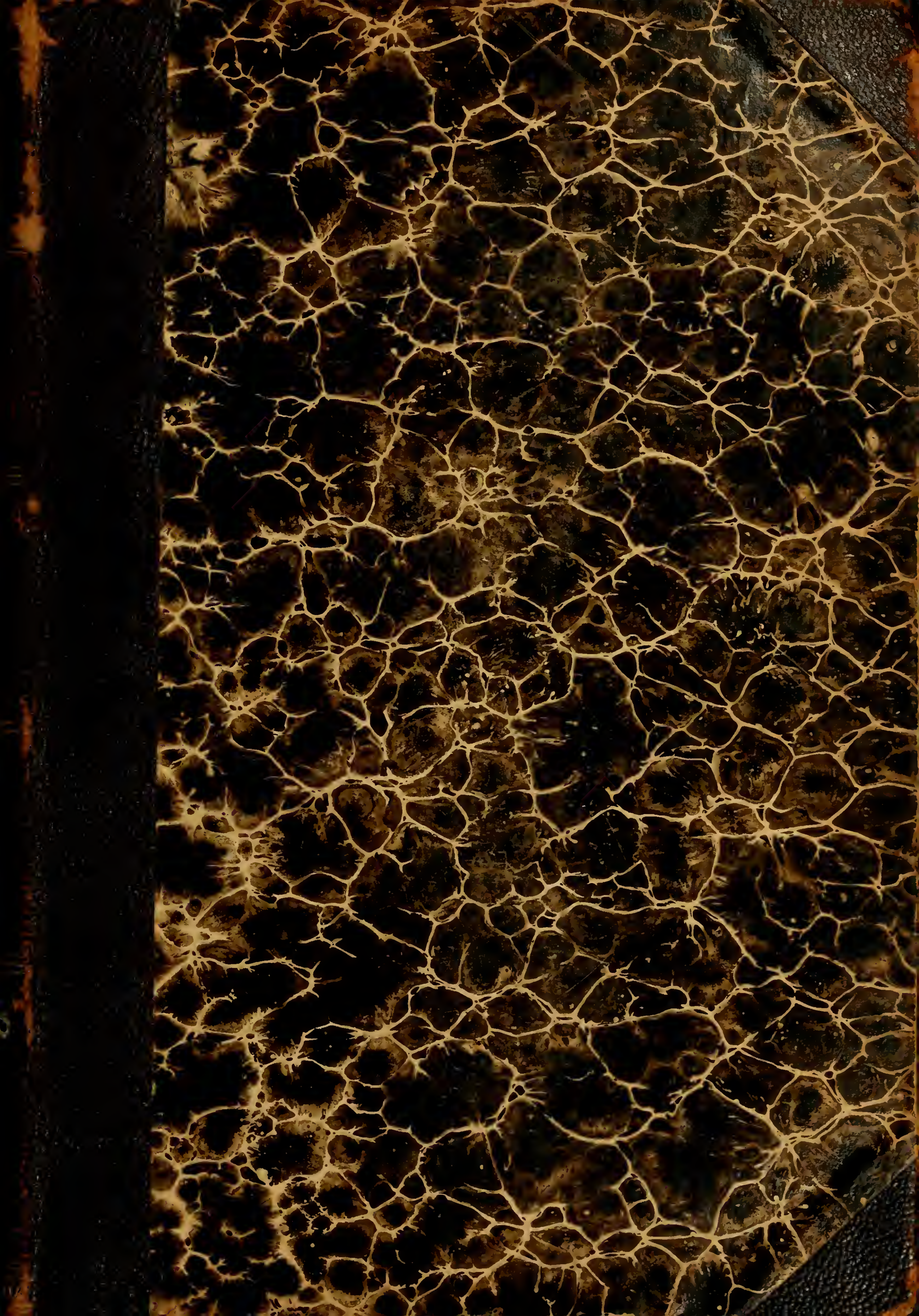
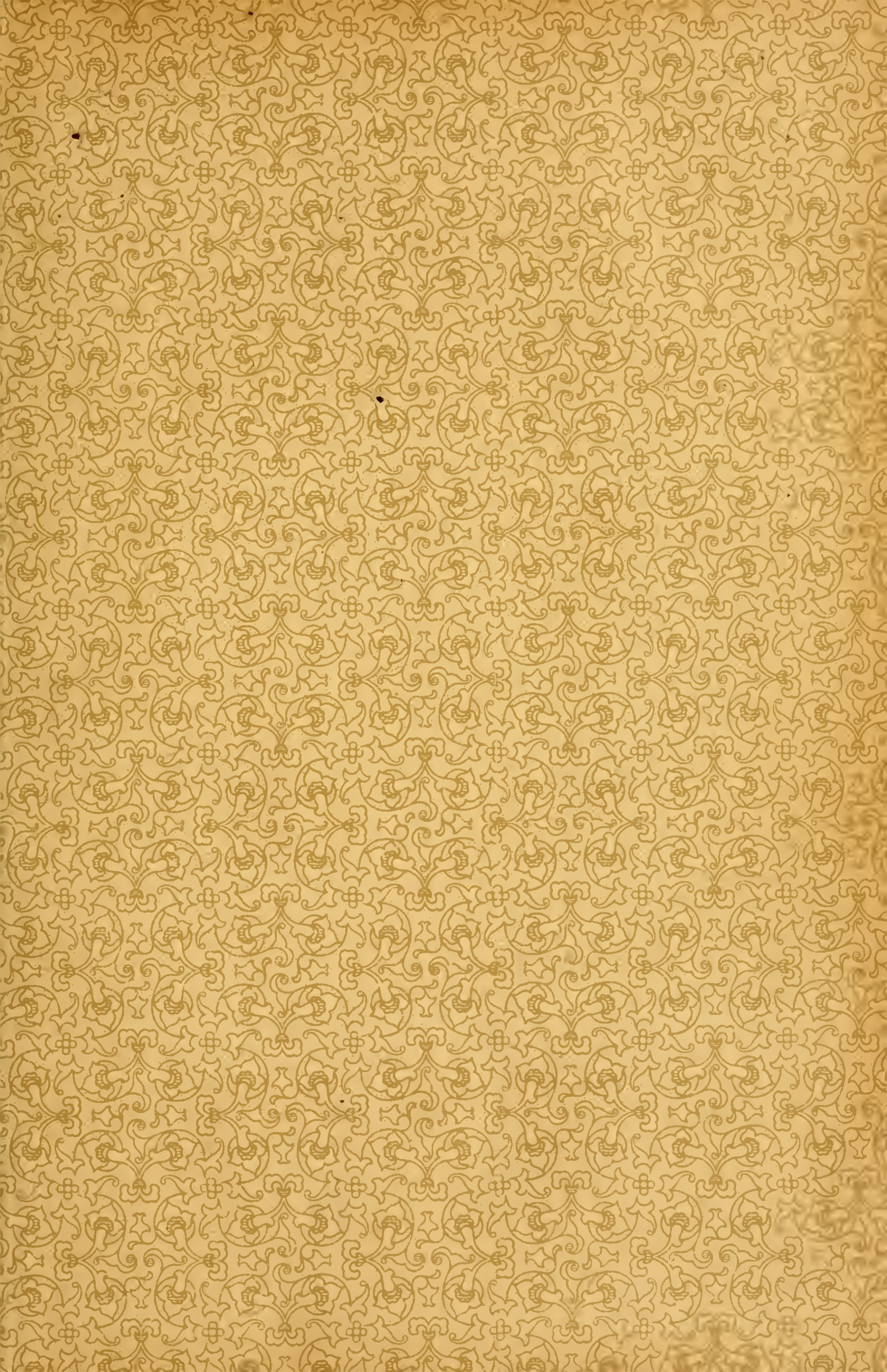





University of Florida
1853



Das Staatsarchiv.

Sammlung

der offiziellen Aktenstücke

zur

Geschichte der Gegenwart.

Begründet

von

Aegidi und **Klauhold.**

Herausgegeben

von

Gustav Roloff.

Siebenundsechzigster Band.



Leipzig,
Verlag von Duncker & Humblot.
1903.

Inhaltsverzeichnis.

Bündnisse, Verträge, Konventionen, Protokolle etc.

Römische Kurie.

Aktenstücke zur Geschichte des Südafrikanischen Krieges.

I. Verhandlungen zwischen Großbritannien und den Buren über die Niederlegung der Waffen.

II, Statistik der Flüchtlingslager.

III. Aktenstücke über eine Unterredung zwischen dem Kolonialminister Chamberlain und den Burengeneralen Botha, De Wet und Delarey.

Großbritannien und seine Kolonien.

Konferenz des Kolonialministers mit den Ersten Ministern der Kolonien mit Selbstverwaltung. Besprechung militärischer, politischer und kommerzieller Fragen.

Verhandlungen über die Räumung von Shanghai 1902.

Bündnisse, Verträge, Konventionen u. s. w.

Nr. 12664. **GROSSBRITANNIEN und URUGUAY.** Erneuerung des Handelsvertrages.

Montevideo, 15. Juli 1899.

Their Excellencies Mr. Walter Baring, Her Britannic Majesty's Minister Resident, and Dr. Manuel Herrero y Espinosa, Minister for Foreign Affairs, having met together at the Ministry for Foreign Affairs of the Oriental Republic of Uruguay, have declared that, whereas it has not been as yet possible for reasons foreign to the wishes of both Governments to conclude a Treaty of Commerce and Navigation between their respective countries to take the place of the one that has lapsed, and recognizing the fact that it is necessary that the commercial interests of the two nations should continue to be regulated by an international compact securing to them the treatment and advantages of the most favoured nation, and being duly authorized to that effect, now agree that the Treaty of Friendship, Commerce, and Navigation concluded on the 13th of November, 1885, and the ratifications of which were exchanged on the 22nd of May, 1886, shall be renewed. || They also declared that British Colonies and possessions may adhere to the present Convention within six months counting from the exchange of ratifications, and may withdraw from the same, at any time, by giving six months' notice of their intention. || In either case the notice will be given by the Representative of Her Britannic Majesty at Montevideo to the Ministry for Foreign Affairs of Uruguay. || It was also agreed that the stipulations contained in the Treaty which is to be renewed do not include cases in which the Government of the Oriental Republic of Uruguay may accord special favours, exemptions, and privileges to the citizens or products of the United States of Brazil, of the Argentine Republic, or of Paraguay in matters of commerce. || Such favours cannot be claimed on behalf of Great Britain on the ground of most-favoured-nation rights, as long as they are not con-

ceded to other States. || It is, nevertheless, understood that the said special favours, exemptions, and privileges shall not be capable of application to products similar to those of Great Britain, nor be extended to navigation. || The present Convention shall be ratified, and the ratifications exchanged at Montevideo as soon as possible. || It shall come into force from the day on which the ratifications are exchanged, and shall continue in force until the expiration of one year from the day on which one of the High Contracting Parties shall have given notice to the other of its intention of terminating it. || The undersigned Plenipotentiaries trust that in the time during which the present Convention remains in force the necessary negotiations may be carried on for the conclusion of a new Treaty more in keeping with the reciprocal interests of the two States.

In witness whereof they have signed the present Convention in duplicate at Montevideo, the fifteenth day of July, one thousand eight hundred and ninety-nine.

(L.S.) Walter Baring.
(L.S.) Manl. Herrero y Espinosa.

Nr. 12665. **DEUTSCHES REICH und GROSSBRITANNIEN.** — Vertrag über China.

London, 16. Oktober 1900.

Englischer Text.

Her Britannic Majesty's Government and the Imperial German Government being desirous to maintain their interests in China and their rights under existing Treaties, have agreed to observe the following principles in regard to their mutual policy in China: — || 1. It is a matter of joint and permanent international interest that the ports on the rivers and littoral of China should remain free and open to trade and to every other legitimate form of economic activity for the nationals of all countries without distinction; and the two Governments agree on their part to uphold the same for all Chinese territory as far as they can exercise influence. || 2. Her Britannic Majesty's Government and the Imperial German Government will not, on their part, make use of the present complication to obtain for themselves any territorial advantages in Chinese dominions, and will direct their policy towards maintaining undiminished the territorial condition of the Chinese Empire. || 3. In case of another Power making use of the complications in China in order to obtain under any form whatever such territorial advantages, the two Contracting Parties reserve to themselves to come to a preliminary understanding as to the

eventual steps to be taken for the protection of their own interests in China. || 4. The two Governments will communicate this Agreement to the other Powers interested, and especially to Austria-Hungary, France, Italy, Japan, Russia, and the United States of America, and will invite them to accept the principles recorded in it.

Deutscher Text.

„Die Kaiserlich Deutsche Regierung und die Königlich Großbritannische Regierung, von dem Wunsche geleitet, ihre Interessen in China und ihre Rechte aus bestehenden Verträgen aufrechtzuerhalten, sind übereingekommen, für ihre beiderseitige Politik in China nachstehende Grundsätze zu beobachten: || „1. Es entspricht einem gemeinsamen und dauernden internationalen Interesse, daß die an den Flüssen und an der Küste Chinas gelegenen Häfen dem Handel und jeder sonstigen erlaubten wirtschaftlichen Tätigkeit für die Angehörigen aller Nationen ohne Unterschied frei und offen bleiben; und die beiden Regierungen sind miteinander einverstanden, dies ihrerseits für alles Chinesische Gebiet zu beobachten, wo sie einen Einfluß ausüben können. || „2. Die Kaiserlich Deutsche Regierung und die Königlich Großbritannische Regierung wollen ihrerseits die gegenwärtige Verwickelung nicht benutzen, um für sich irgend welche territorialen Vorteile auf Chinesischem Gebiet zu erlangen, und werden ihre Politik darauf richten, den Territorial-Bestand des Chinesischen Reichs unvermindert zu erhalten. || „3. Sollte eine andere Macht die Chinesischen Komplikationen benutzen, um unter irgend einer Form solche territorialen Vorteile zu erlangen, so behalten beide Kontrahenten sich vor, über etwaige Schritte zur Sicherung ihrer eigenen Interessen in China sich vorher untereinander zu verständigen. || „4. Die beiden Regierungen werden diese Übereinkunft den übrigen beteiligten Mächten, insbesondere Frankreich, Italien, Japan, Österreich-Ungarn, Rußland und den Vereinigten Staaten von Amerika, mitteilen und dieselben einladen, den darin niedergelegten Grundsätzen beizutreten."

Nr. 12666. **GROSSBRITANNIEN** und **JAPAN.** — Vertrag über China und Korea.

London, 30. Januar 1902.

The Governments of Great Britain and Japan, actuated solely by a desire to maintain the *status quo* and general peace in the extreme East, being moreover specially interested in maintaining the independence and territorial integrity of the Empire of China and the Empire of Corea,

and in securing equal opportunities in those countries for the commerce and industry of all nations, hereby agree as follows: —

Article I.

The High Contracting Parties having mutually recognized the independence of China and of Corea, declare themselves to be entirely uninfluenced by any aggressive tendencies in either country. Having in view, however, their special interests, of which those of Great Britain relate principally to China, while Japan, in addition to the interests which she possesses in China, is interested in a peculiar degree politically as well as commercially and industrially in Corea, the High Contracting Parties recognize that it will be admissible for either of them to take such measures as may be indispensable in order to safeguard those interests if threatened either by the aggressive action of any other Power, or by disturbances arising in China or Corea, and necessitating the intervention of either of the High Contracting Parties for the protection of the lives and property of its subjects.

Article II.

If either Great Britain or Japan, in the defence of their respective interests as above described, should become involved in war with another Power, the other High Contracting Party will maintain a strict neutrality, and use its efforts to prevent other Powers from joining in hostilities against its ally.

Article III.

If, in the above event, any other Power or Powers should join in hostilities against that ally, the other High Contracting Party will come to its assistance, and will conduct the war in common, and make peace in mutual agreement with it.

Article IV.

The High Contracting Parties agree that neither of them will, without consulting the other, enter into separate arrangements with another Power to the prejudice of the interests above described.

Article V.

Whenever, in the opinion of either Great Britain or Japan, the above-mentioned interests are in jeopardy, the two Governments will communicate with one another fully and frankly.

Article VI.

The present Agreement shall come into effect immediately after the date of its signature, and remain in force for five years from that date. || In case neither of the High Contracting Parties should have notified twelve months before the expiration of the said five years the intention of terminating it, it shall remain binding until the expiration of one year from the day on which either of the High Contracting Parties shall have denounced it. But if, when the date fixed for its expiration arrives, either ally is actually engaged in war, the alliance shall, *ipso facto*, continue until peace is concluded. || In faith whereof the Undersigned, duly authorized by their respective Governments, have signed this Agreement and have affixed thereto their seals.

Done in duplicate at London, the 30th day of January, 1902.

(L.S.) (Signed) Lansdowne,
His Britannic Majesty's Principal Secretary of State for Foreign Affairs.

(L.S.) (Signed) Hayashi,
Envoy Extraordinary and Minister Plenipotentiary of His Majesty the Emperor of Japan at the Court of St. James'.

Nr. 12667. GROSSBRITANNIEN und PERSIEN. — Vertrag über die Ausdehnung des Telegraphennetzes zwischen Europa und Indien.

Convention between the United Kingdom and Persia extending the system of telegraphic communication between Europe and India through Persia.

Teheran, 16. August 1901.

His Majesty the King of the United Kingdom of Great Britain and Ireland, Emperor of India, and His Majesty the King of all the Kingdoms of Persia, being desirous to extend the system of telegraphic communication between Europe and India through Persia, already established in virtue of previous Treaties, have resolved that a Convention for that purpose shall be concluded; wherefore their Majesties have named as their Plenipotentiaries: || His Majesty the King of the United Kingdom of Great Britain and Ireland, Emperor of India, Sir Arthur Henry Hardinge, Knight

Commander of the Most Distinguished Order of St. Michael and St. George, Companion of the Most Honorable Order of the Bath, his Envoy Extraordinary and Minister Plenipotentiary to the Court of Persia; || And His Majesty the King of all the Kingdoms of Persia, his Excellency Mirza Nasrullah Khan Mushir-ed-Dowleh, his Minister for Foreign Affairs, Bearer of the Order of the Lion and the Sun of the first class with green riband, Possessor of the Order of the Royal Portrait of His Late Majesty Naser-ed-din Shah, Possessor of the Order of the Portrait of His Present Majesty Muguffer-ed-din Shah, of the First Class, and of the Blue Cordon, Bearer of the Order of the White Eagle, and of the first class of the Osmanieh adorned with Diamonds, and of the First Order of Leopold (of Austria), and of the First Order of Leopold (of Belgium), and of the Order of St. Alexander adorned with Diamonds, &c., &c., &c.; || And the aforesaid distinguished Representatives, after meeting at Tajrisch in the neighbourhood of the capital of Tehran and perusing and exchanging their full powers, which were found in good and due form, have agreed upon and concluded the following Articles: —

Article I.

With the view of securing uninterrupted communication between Europe and India, it is agreed that, in addition to the present line of telegraph from Tehran to Bushire and submarine cable thence to India, already established in virtue of previous Treaties, a three-wire line of telegraph shall be constructed by the Persian Government from Kashan to the Baluchistan frontier, viâ Yezd and Kerman, traversing wherever possible inhabited districts.

Article II.

In order that the line of telegraph may be constructed in a complete and effective manner, the Persian Government agrees that it shall be built under the direction and supervision of the British Telegraph Staff now controlling the international line in Persia, the British Government advancing to the Persian Government the salaries and allowances of the men actually employed on the work.

Article III.

The British Government agrees to procure for the Persian Government at a reasonable price all the posts, wire, insulators, &c., that may be requisite for this work, and to arrange for the carriage of the stores to the sites required, receiving payment for the same without interest

as hereinafter provided. An account of the expenses incurred for this purpose, and certified, in so far as they have been incurred in Persia, by the Persian Telegraph Department, and in so far as they have been incurred outside Persia, by the British Government, shall be submitted as early as possible to the Persian Government.

Article IV.

The Persian Government agrees to lease the use and the transit revenue of the line, which is its property, when complete to the Indo-European Telegraph Department at a rental of 4 per cent. on the capital expended on its construction, including cost of material — three quarters of such rental to be retained by the British Government to recoup them for the advances made, and one quarter, subject to a minimum of 25 000 fr., to be paid annually to the Persian Government in two half-yearly instalments. It is understood that should the Persian Government's quarter share of the rental exceed 25 000 fr., such excess shall belong to the Persian Treasury.

Article V.

The maintenance of the line, including repairs and the appointment, control, and payment of the line guards, who must be Persian subjects, shall remain in the hands of the British Director and Staff, the cost being defrayed by the British Government. The duties ot the Telegraph Inspectors and line guards are strictly confined to repairing and maintaining the line.

Article VI.

The principal offices constituting the permanent residences of the British Electricians and Inspectors shall be situated in towns or large villages, but pending further arrangements to be agreed upon between the two Governments, there shall only be one such office between Kerman and the Indian frontier. || The protection of the line and of the officials, whether Persian or British employed on it, shall be the special duty of the Persian Government, and should the English officials wish to proceed on inspections in districts proclaimed as dangerous by the Persian Government, they shall inform the nearest local authority, in order that they may be provided with an escort. The telegraph stations shall be built according to plans approved by the Persian Government, and in towns the houses to be used as such stations shall, wherever possible, be rented.

Article VII.

The line will be of three wires. One wire will be used by the Persian Telegraph Administration for its local work, and the remaining two wires be for international traffic as provided in Articles IV, V, and VI of the 1872 Convention.

Article VIII.

The revenue derived from the local traffic on the Persian wire shall belong entirely to the Persian Government. By local traffic is meant messages originating at one Persian station and terminating at another Persian station.

Article IX.

As regards International messages originating or terminating in Persia, the Persian Government shall receive two-thirds of the receipts of all *bonâ fide* terminal messages. || And as regards transit messages, as this line is merely an alternative one to that now existing between Tehran and Bushire, the arrangement already made, as detailed in Article VIII of the 1872 Convention, will remain as at present. State telegrams passing between the Government of India and the British Minister at Tehran shall be sent at half rates.

Article X.

In view of the erection of the new line and of the increase of telegraph stations in Eastern Persia, and in order to facilitate intercourse with them, the Indo-European Telegraph Department shall place an additional wire along the existing line between Tehran and Kashan, and the expenses of procuring, transporting, and putting up this wire will be borne by the Persian Government in the manner provided by Articles II and IV of this Convention.

Article XI.

The following Articles of the Telegraph Convention of 1872 shall apply to this line, viz.: — Articles VI, VIII, IX, XI, XIII, XV, and XVII.

Article XII.

This Convention shall remain in force until the 1st January, 1925, or for such longer period as the debt due by Persia for the construction of the line remains unpaid, and at such date it may if necessary be renewed or revised, but it shall be competent for the British Government

at any time before the expiry of this Convention, on giving six months' notice, to hand over the line in its existing condition to the Persian Government, and to withdraw its officers and employés from the country, ceasing from that date to have any further connection with this Persian Telegraph. But in this case the Persian Government shall be free from any further payment on account of the construction of the line. || The ratifications of the present Convention shall be exchanged at Tehran within five months, or sooner if practicable.

Done at Tajrisch, in quadruplicate, this sixteenth day of the month of August, in the year of our Lord one thousand nine hundred and one.

(L.S.) Arthur H. Hardinge.

(L.S.) Signature of Persian Plenipotentiary.

Nr. 12668. RUSSLAND und VEREINIGTE STAATEN von AMERIKA. Postvertrag.

1. Februar 1899.
23. Januar 1900.

En vue d'améliorer les relations postales entre la Russie et les Etats-Unis d'Amérique le Directeur Général des Postes et des Télégraphes de Russie, et le Postmaster General des Etats-Unis d'Amérique ont signé sous la réserve de l'approbation de leurs Gouvernements respectifs une Convention, dont la teneur est mot pour mot comme suit:

Article 1.

1. Il est établi entre la Russie (y compris la Finlande) et les Etats Unis, un échange régulier de mandats-poste. || 2. Cet échange aura lieu par l'intermédiaire des bureaux à désigner par chacune des deux Administrations en cause. || 3. Ces bureaux se notifieront réciproquement au moyen de listes, des mandats tirés d'un pays sur l'autre.

Article 2.

Le montant de chaque mandat sera exprimé par le déposant dans la monnaie de son pays, et sera converti par les soins de l'Office expéditeur dans la monnaie du pays où le payement devra avoir lieu sur le pied de: 1 rouble = 51,46 cents, et 1 dollar = 1 rouble 94,33 copecks.

Article 3.

1. Aucun mandat ne pourra excéder la somme de cent dollars, ou une somme correspondante en roubles. || 2. Il ne sera pas tenu compte, pour l'établissement du montant des mandats, des fractions de copecks ou de cents.

Article 4.

Est réservé aux Administrations de chacun des pays contractants le droit de déclarer transmissible par voie d'endossement, sur son territoire, la propriété des mandats-poste provenant de l'autre pays.

Article 5.

1. Chacune des deux Administrations fixera les taxes à percevoir sur les mandats-poste qu'elle créera sur l'autre pays. || 2. Cette taxe ne devra pas, toutefois, dépasser un pour cent des sommes rondes qui forment les degrés de l'échelle de perception. || 3. Les deux Administrations se donneront connaissance des taxes qu'elles auront établies et des changements qu'elles y apporteraient ultérieurement. || 4. Les mandats-poste et les acquits donnés sur ces mandats, de même que le récépissé à délivrer au déposant, ne pourront être soumis à la charge des expéditeurs ou des destinataires des fonds à aucun droit ou taxe quelconque, en sus des taxes à percevoir en vertu des paragraphes 1 et 2 ci-dessus.

Article 6.

L'Administration qui créera les mandats créditera celle du pays, où le payement doit avoir lieu, du montant total des mandats annoncés en sus d'un droit de la moitié d'un pour cent calculé sur la différence entre le montant total des mandats annoncés et celui des mandats annulés et remboursés.

Article 7.

1. Les sommes converties en mandats-poste sont garanties aux déposants jusqu'au moment où elles auront été régulièrement payées aux bénéficiaires ou aux mandataires de ceux-ci, ou bien remboursées aux déposants eux-mêmes.| 2. Les sommes encaissées par chaque Administration en échange de mandats-poste et dont le montant n'aurait pas été réclamé par les ayants-droit, avant l'expiration des délais fixés par les lois ou règlements du pays de destination, sont définitivement acquises à l'Administration qui a délivré ces mandats, qui prendra les mesures nécessaires pour pourvoir au remboursement de ces mandats aux déposants.

Article 8.

A l'expiration de chaque trimestre l'Administration des postes de Russie préparera le compte des sommes encaissées par les Offices des deux pays et des crédits à allouer de part et d'autre ainsi qu'un état des mandats remboursés par chaque Administration.

Article 9.

1. L'Administration des postes des Etats-Unis examinera ce compte, le rectifiera, s'il y a lieu, et si le solde est en faveur de la Russie, elle en transmettra le montant, dans un mois au plus tard après la réception du compte. || 2. Si le solde s'établit en faveur de l'Administration des Etats Unis d'Amérique, l'Administration des postes de Russie en transmettra le montant à celle-là, au plus tard, dans un mois qui suivra l'avis de l'acceptation ou de la rectification du compte. || 3. Les payements des soldes seront effectués de la manière suivante: || Si le solde est en faveur de l'Administration des postes de la Russie, l'Administration des postes des Etats-Unis devra verser le montant de ce solde à la maison de banque de New-York désignée par l'Administration des postes russes. || Si le solde est en faveur de l'Administration des postes des Etats-Unis, l'Administration des postes de la Russie devra verser le montant de ce solde, converti en livres sterling, à la maison de banque de Londres, désignée par le Département des Postes des Etats-Unis. || La conversion en livres sterling du montant sus-mentionné sera opérée au pied de: une livre sterling équivant à quatre dollars et quatre-vingt-sept cents ($ 4,87). || 4. Les frais à résulter du payement des soldes sont à la charge de l'Administration qui effectue le payement.

Article 10.

Pour établir le solde, la créance la plus faible sera convertie dans la monnaie du pays dont la créance est la plus forte. || Cette conversion aura lieu sur le pied de: Un rouble équivant à cinquante et un et quarante-six centièmes de cents, (51,46 cents) et un dollar équivant à un rouble, quatre-vingt quatorze, et trente-trois centièmes de copecks, (1 R 94,33 cop.).

Article 11.

Chaque fois que, dans le cours d'un trimestre, il est établi que le montant des mandats tirés sur une des deux Administrations dépasse de cinq mille dollars ou de dix mille roubles le montant des mandats tirés sur l'autre Administration, celle-ci fait parvenir à la première le montant approximatif de la différence établie, en chiffres ronds à titre d'à compte, de la manière de laquelle doit être effectué le payement des soldes (Article 9, § 3).

Article 12.

1. La forme et les conditions d'émission des mandats dans chaque pays sont déterminées par les règlements en vigueur dans le pays d'origine. || 2. Le mode et les conditions du payement des mandats-poste, y compris

ce qui concerne la suspension du payement, le remplacement des titres, l'émission de duplicata et toutes les autres formalités se rapportant au payement sont réglés par les dispositions en vigueur dans le pays de destination.

Article 13.

1. Chaque Administration est autorisée à suspendre temporairement l'échange des mandats-poste chaque fois que le cours du change ou toute autre circonstance peut engendrer des abus ou porter préjudice au Trésor. || 2. Avis de cette circonstance doit être donné immédiatement, et au besoin, par télégraphe à l'autre Administration.

Article 14.

Les Administrations postales des deux pays sont autorisées à régler de commun accord les mesures de détail pour l'exécution de cette convention et à les modifier à toute époque suivant les besoins du service.

Article 15.

La présente Convention sera mise à exécution le dix-neuf Mars (premier Avril) mil neuf cent. || Elle restera en vigueur jusqu'à l'expiration de la période d'une année après la date à laquelle l'une des deux Administrations aura notifié à l'autre son intention d'en faire cesser les effets.

Article 16.

Cette convention sera approuvée par un échange de déclarations ministérielles, qui aura lieu aussitôt que faire se peut. || En foi de quoi les Plénipotentiaires respectifs ont signé la présente Convention, et y ont apposé leurs cachets. || Fait en double original et signé à Saint-Pétersbourg, le onze/vingt trois Janvier mil neuf cent et à Washington le premier jour de Février mil huit cent quatre-vingt-dix-neuf.

Lieutenant Général N. Petroff.
Directeur Général des Postes et des Télégraphes de l'Empire de Russie.

Ch. Emory Smith.
Postmaster General des Etats Unis d'Amérique.

Le Soussigné, Ministre des Affaires Etrangères de Sa Majesté L'Empereur de Russie, dûment autorisé à cet effet, déclare que la dite Convention est confirmée en tous points par la présente Déclaration destinée à être échangée contre une Déclaration semblable du Secrétaire d'Etat des Etats-Unis d'Amérique. St.-Pétersbourg, le 22 Mars 1902.

(Signé) C. te Lamsdorff.
(L. S.)

Nr. 12669. ITALIEN und ARGENTINIEN. — Vertrag über Ausführung von Klagen und Urteilen.

Rom, 1. August 1887.

Sua Maestà il Re d'Italia e Sua Eccellenza il Presidente della Repubblica Argentina, avendo risoluto di regolare per mezzo d'una Convenzione la reciproca esecuzione delle lettere rogatorie e dei giudicati fra i due Paesi, hanno a questo scopo nominato per loro Plenipotenziari: Sua Maestà il Re d'Italia, || il signor avv. Augusto (dei baroni) Peiroleri, Grande ufficiale dei Suoi Ordini dei SS. Maurizio e Lazzaro e della Corona d'Italia, Direttore Generale dei Consolati e del Commercio nel Ministero degli Affari Esteri, e || S. E. il Presidente della Repubblica Argentina, || il signor dottore don Antonio Del Viso, già Ministro di Stato pel Dipartimento dell'Interno, ecc. Suo Inviato straordinario e Ministro Plenipotenziario presso Sua Maestà il Re d'Italia. || I quali, dopo essersi comunicati i respettivi loro Pieni Poteri, che furono trovati in buona e debita forma, hanno convenuto negli articoli seguenti:

Art. 1.

Le competenti Autorità giudiziarie di ciascuno dei due Paesi daranno esecuzione alle lettere rogatorie che fossero loro dirette da quelle dell'altro, tanto in materia civile e commerciale, quanto in materia penale, non politica.

Art. 2.

Le lettere rogatorie in materia penale potranno avere per oggetto la citazione, il giuramento, l'interrogatorio e la deposizione di testimoni, l'esame, la copia o traduzione, la verificazione o consegna di documenti, il sequestro ed invio di corpi di reato e qualunque altra cosa che possa riguardare un reato pel quale si proceda, per lo scopo d'indagare o di meglio chiarire la verità dei fatti allegati dall'accusa o dalla difesa, salvi, ben inteso, i diritti dei terzi, da farsi valere innanzi al magistrato competente.

Art. 3.

Le lettere rogatorie in materia civile e commerciale potranno comprendere, oltre quanto è determinato nell'articolo precedente, l'ispezione e l'esame dei libri, la loro esibizione e tutte le altre pratiche che servono alla decisione delle cause.

Art. 4.

Le lettere rogatorie saranno scritte nella lingua dello Stato richiedente, e trasmesse per la via diplomatica. || Esse conterranno, per quanto è possibile, l'indicazione del domicilio delle persone da citarsi.

Art. 5.

Nell'esecuzione delle dette lettere rogatorie, le eccezioni dedotte dalle parti saranno sempre ammesse e convenientemente trasmesse, affinchè siano giudicate come di ragione.

Art. 6.

I privati, interessati nell'esecuzione delle lettere rogatorie in materia civile e commerciale, potranno costituire procuratori i quali ne promovano la rispettiva evasione.

Art. 7.

Le spese cagionate dall'esecuzione delle lettere rogatorie in materia civile e commerciale saranno a carico dell'interessato. || Le spese occorse per eseguire le lettere rogatorie in materia penale non saranno rimborsate, ma resteranno a carico del Governo del Paese in cui saranno state eseguite.

Art. 8.

Le sentenze definitive in materia civile e commerciale proferite dalle Autorità giudiziarie di ciascuna delle Parti contraenti, avranno completa e reciproca esecuzione negli Stati dall'altra Parte come quelle dei propri tribunali. || Per tale effetto sarà però necessario che i tribunali competenti della circoscrizione ove deve eseguirsi la sentenza, secondo le rispettive leggi di procedura, la dichiarino esecutiva, dopo aver citato gl'interessati in un giudizio sommario, nel quale si esaminerà solamente: || 1°. Se la sentenza, la cui esecuzione viene richiesta, sia stata proferita dall'Autorità giudiziaria competente; || 2°. Se le parti, debitamente citate, abbiano assistito al giudizio personalmente o per mezzo di un mandatario legale, o se sieno state dichiarate contumaci in conformità dei vigenti Codici di procedura; || 3°. Se il giudicato derivi dall'esercizio di un'azione personale e l'obbligazione od obbligazioni da eseguirsi non sieno proibite dalle leggi dello Stato richiesto; || 4°. Se la sentenza non contenga disposizioni contrarie all'ordine pubblico o al diritto pubblico dello Stato medesimo. || L'esecuzione della sentenza potrà essere richiesta per la via diplomatica o direttamente dalla parte interessata; avvertendosi che, allorquando essa venga richiesta per la via diplomatica, se la parte interessata non avrà costituito un procuratore, questo le verrà nominato d'ufficio dal magistrato che deve decidere sul giudicato, e dovrà essa soddisfare al procuratore il pagamento di ogni legittima sua competenza. || L'autenticazione della sentenza sarà fatta in conformità delle leggi di ciascun

Paese, aggiungendovisi la legalizzazione finale del Ministero degli Affari Esteri.

Art. 9.

La presente Convenzione entrerà in vigore il giorno in cui ne saranno scambiate le ratifiche, e durerà indefinitamente; però potrà cessare, se una delle parti contraenti notificasse ufficialmente all'altra, sei mesi prima, la sua risoluzione di modificarla o di farla cessare.

In fede di che, i rispettivi Plenipotenziari hanno firmato la presente Convenzione e vi hanno apposto il loro sigillo.

Fatto a Roma, in doppio originale, addì primo di agosto dell'anno mille ottocento ottantasette.

A. Peiroleri.
A. Del Viso.

Nr. 12670. **JAPAN und KONGOSTAAT.** — Handels- und Niederlassungsvertrag.

Brüssel, 17. Januar 1900.

Sa Majesté le Roi des Belges, Souverain de l'État Indépendant du Congo, et || Sa Majesté l'Empereur du Japon, || animés du désir d'établir des relations entre l'État Indépendant du Congo et l'Empire du Japon, ont résolu de conclure entre eux une Déclaration d'amitié et d'établissement et ont nommé, à cet effet, pour Leurs Plénipotentiaires: || Sa Majesté le Roi des Belges, Souverain de l'État Indépendant du Congo, || Le sieur van Eetvelde (baron Edm.), Commandeur de l'Ordre de Léopold, Grand-Officier de la Légion d'Honneur, Grand-Cordon des Ordres du Christ de Portugal, de Saint-Grégoire le Grand, Chevalier de 2e classe avec plaque de l'Ordre de la Couronne Royale de Prusse, etc., etc., Secrétaire d'État de l'État Indépendant du Congo; || Et Sa Majesté l'Empereur du Japon, || Le sieur Itchiro Motono, Shôgoï, docteur en droit, décoré de la 5e classe de l'Ordre Impérial du Soleil Levant et de la 4e classe du Trésor Sacré, Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté l'Empereur du Japon près Sa Majesté le Roi des Belges; || Lesquels, après s'être communiqué leurs pleins pouvoirs trouvés en bonne et due forme, sont convenus des articles suivants:

Article I.

Il y aura une paix perpétuelle et amitié constante entre l'État Indépendant du Congo et l'Empire du Japon, comme aussi entre les sujets respectifs.

Article II.

Il y aura entre les territoires des deux Hautes Parties contractantes, liberté réciproque de commerce et de navigation.

Article III.

Pour tout ce qui concerne le droit de résidence et de voyage, la possession des immeubles, biens et effets mobiliers, de quelque espèce que ce soit, la transmission des meubles ou immeubles par succession testamentaire ou autre, et le droit de disposer, de quelque manière que ce soit, des biens mobiliers et immobiliers de toutes sortes qu'ils peuvent légalement acquérir, les sujets de chacune des deux Parties contractantes jouiront, dans les territoires et possessions de l'autre, des mêmes privilèges, libertés, droits, et ne seront soumis, sous ce rapport, à aucuns impôts ou charges plus élevés que ceux qui sont ou seront imposés aux sujets ou citoyens de la nation la plus favorisée.

Article IV.

Les Hautes Parties contractantes conviennent qu'en tout ce qui concerne le commerce et la navigation, tout privilège, faveur ou immunité que l'une ou l'autre des Parties contractantes a déjà accordé ou accorderait à l'avenir au Gouvernement, aux navires ou aux sujets ou citoyens de tout autre État, sera étendu immédiatement et sans conditions au Gouvernement, aux navires ou aux sujets de l'autre Partie contractante, leur intention étant que le commerce et la navigation de chaque pays soient placés à tous égards par l'autre sur le pied de la nation la plus favorisée.

Article V.

La présente Déclaration entrera en vigueur aussitôt que les ratifications en seront échangées et restera valable jusqu'à ce qu'elle soit remplacée par un traité de commerce et de navigation à conclure dans les trois ans à partir de la ratification de la présente Déclaration. A défaut de traité de commerce et de navigation, chacune des Hautes Parties contractantes aura le droit, à un moment quelconque, après que deux ans se seront écoulés depuis l'entrée en vigueur de cette Déclaration, de notifier à l'autre son intention d'y mettre fin, et à l'expiration de douze mois après cette notification, cette Déclaration cessera et finira entièrement.

Article VI.

La présente Déclaration sera ratifiée et les ratifications en seront échangées à Bruxelles aussitôt que possible. || En foi de quoi les Plénipotentiaires respectifs ont signé la présente Déclaration et y ont apposé leurs cachets.

Fait à Bruxelles, en double exemplaire, le dix-septième jour du mois de janvier de l'an mil neuf cent correspondant au dix-septième jour du premier mois de la trente-troisième année de Meiji.

(s.) B^on van Eetvelde. (s.) I. Motono.
(L. S.) (L. S.)

Les ratifications ont été échangées le 9 juillet 1900.

Certifié conforme:
Le Secrétaire Général
du Département des Affaires Étrangères,
Chevalier de Cuvelier.

Nr. 12671. KONGOSTAAT. — Konvention mit der Katanga-Kompagnie.

Brüssel, 19. Juni 1900.

Article premier.

Il est créé un Comité spécial pour assurer et diriger en participation l'exploitation de tous les terrains appartenant au Domaine de l'État et à la Compagnie du Katanga et compris entre le 5° de latitude Sud, jusqu'au 24° 10′ de longitude Est de Greenwich, une ligne droite rejoignant ce point à l'intersection du 6° de latitude Sud avec le 23° 54′ de longitude Est, ce 23° 54′ de longitude et les frontières méridionale et orientale de l'État. || Ce Comité aura les pouvoirs les plus étendus d'administration, de gestion et d'aliénation, sans aucune exception ni réserve. Il statuera à la majorité des membres.

Article 2.

Ce Comité sera composé de six membres. Quatre de ces membres, dont le Président ayant voix prépondérante, seront nommés par l'État du Congo et deux par la Compagnie du Katanga.

Article 3.

Conformément à l'obligation qu'elle a assumée par la Convention du 12 mars 1891, amendée par les arrangements stipulés dans la lettre du Secrétaire d'État, en date du 24 mars 1899, la Compagnie du Katanga établira, le plus rapidement possible, sur les lacs Tanganika et Moero et sur le Bas-Luapula, les embarcations spécifiées dans la lettre précitée. Lorsque ces embarcations flotteront, elles feront partie de l'avoir de la participation. || La Compagnie du Katanga assurera également la fondation des trois postes et l'organisation du corps de police prévus à la susdite

convention. Elle remettra ces postes et le corps de police à la participation qui en assumera dès lors les dépenses. || Si la Compagnie du Katanga n'avait pas rempli les obligations susdites, à la date du 31 décembre 1901, la participation les exécuterait en son lieu et place, et les dépenses résultant de ce chef seraient à charge de la Compagnie. || La Commission de délimitation dont il est question au 4° de la lettre du Secrétaire d'État du 24 mars 1899, sera dissoute à partir de la mise en vigueur de la présente Convention.

Article 4.

Pendant toute la durée de la présente Convention, la participation sera substituée à la Compagnie du Katanga dans les droits qui lui ont été concédés par la Convention du 12 mars 1891; elle sera aussi substituée à ladite Compagnie, pendant la même période, dans les obligations imposées à celle-ci par la dite Convention amendée par la lettre du Secrétaire d'État en date du 24 mars 1899, sauf ce qui est dit à l'article 3 ci-dessus.

Article 5.

Tous avantages ou bénéfices à retirer de l'exploitation visée à l'article premier, et tous frais, charges ou pertes, etc., etc., seront répartis par le Comité de direction, à raison de deux tiers pour l'État du Congo et d'un tiers pour la Compagnie du Katanga.

Article 6.

La présente Convention aura une durée de nonante-neuf années, à dater de ce jour, avec la faculté, pour l'État, de renouveler, à l'expiration de ce terme, la Convention pour un même terme, aux mêmes clauses et conditions. A l'expiration de ladite Convention, le Comité répartira l'avoir à raison de deux tiers pour l'État et d'un tiers pour la Compagnie, et les terres non aliénées seront partagées dans la même proportion par les soins du Comité et délimitées sur les bases de l'article 10 de la Convention du 12 mars 1891.

Article 7.

Toutes contestations auxquelles donneront lieu les présentes, seront tranchées par un arbitrage, ainsi qu'il est dit à l'article 12 de la Convention du 12 mars 1891.

Fait en double à Bruxelles, le dix-neuf juin dix-neuf cent.

Pour l'État Indépendant du Congo,
Au nom du Secrétaire d'État:
Les Secrétaires Généraux,
H. Droogmans.
Chevalier de Cuvelier.
Liebrechts.

Pour la Compagnie du Katanga:
Albert Thys.
de Laveleye.

Nr. 12672. JAPAN und KOREA. — Abkommen, betreffend die japanische Niederlassung in Masampo.

17. Mai 1902.

[Übersetzung aus dem Kampo (Regierungsblatt) vom 16. Juni 1902.]

Artikel 1. Die von der Japanischen Regierung in Gemäßheit der Bestimmungen über die dauernde oder vorübergehende Landpachtung in einem Umkreise von zehn (koreanischen) Meilen um die fremden Niederlassungen aufgekauften Grundstücke und deren Umgebung werden zu einer japanischen Niederlassung gemacht. Die Lage und die Grenzen dieser Niederlassung sind in dem anliegenden Plan festgesetzt.

Artikel 2. Die in der Niederlassung befindlichen Wege und Kanäle stehen in staatlichem Eigentum. Mit dem Inkrafttreten dieses Abkommens wird das Recht, neue Wege und Kanäle anzulegen oder die bestehenden in stand zu halten, dem Japanischen Konsul übertragen.

Artikel 3. Von den in der Niederlassung belegenen Grundstücken, welche bereits zur Zeit der Unterzeichnung dieses Abkommens im Eigentum von Ausländern (einschließlich der Japaner) standen oder welche zwar Koreanern gehören, bezüglich deren aber schon Verkaufsverhandlungen eingeleitet sind, ist die Grund-Steuer zu zahlen, welche vor dem Verkauf festgesetzt war. || Da indessen die Japanische Regierung die im Besitz von Koreanern befindlichen Grundstücke innerhalb eines Jahres nach der Unterzeichnung dieses Abkommens aufzukaufen beabsichtigt, so dürfen diese Grundstücke bis dahin nicht an Angehörige einer dritten Macht verkauft oder verpachtet werden.

Artikel 4. Für die in der Niederlassung belegenen Grundstücke, welche im Eigentum der Koreanischen Regierung stehen, wird hierdurch ein Kaufpreis von 3 Yen (Japanische Währung) für je 100 qm festgesetzt. Sollte beim Ankauf der im Besitze von Koreanern stehenden Grundstücke und Häuser der von dem Besitzer verlangte Preis seitens des Japanischen Konsuls für unbillig erachtet werden, so sind von den Koreanischen Behörden und dem Japanischen Konsul gemeinsam Sachverständige zu ernennen, welche den Preis in billiger Weise feststellen.

Artikel 5. Die Grundsteuer in der Niederlassung beträgt vom Tage der Unterzeichnung dieses Abkommens an 20 Sen (Japanische Währung) für je 100 qm pro Jahr. Sie ist bis zum 10. Januar jeden Jahres im voraus für ein Jahr zu entrichten.

Artikel 6. Wenn von den noch nicht aufgekauften Niederlassungs-Grundstücken Gräber verlegt werden müssen, so wird seitens des Japanischen Konsuls für jedes Grab ein Betrag von 5 Yen (Japanische Währung) als Verlegungsgebühr gezahlt.

Artikel 7. Wenn es für die Niederlassung notwendig wird, den vorliegenden Meeresstrand aufzufüllen, so muß darüber vorher ein Einvernehmen mit den Koreanischen Behörden erzielt werden.

Dieses Abkommen ist in Japanischer und Koreanischer Sprache in je 2 Exemplaren angefertigt, unterzeichnet, untersiegelt und seine Richtigkeit bescheinigt.

Folgen die Unterschriften.

Nr. 12673. **FRANKREICH und ITALIEN.** — Protokolle über die Abgrenzung ihrer Besitzungen im Küstengebiet des Roten Meeres und des Golfes von Aden.

Rom, 24. Januar 1900.

I.

Les Gouvernements d'Italie et de France ayant convenu de procéder à la délimitation mutuelle de leurs possessions dans la région côtière de la mer Rouge et du golfe d'Aden, les soussignés, dûment autorisés à cet effet, ont stipulé ce qui suit:

Art. I.

Les possessions italiennes et les possessions françaises sur la côte de la mer Rouge sont séparées par une ligne ayant son point de départ à l'extrémité du ras Doumeirah, suivant la ligne de partage des eaux du promontoire de ce nom, et se prolongeant ensuite, dans la direction du sud-ouest, pour atteindre, après un parcours d'environ soixante kilomètres depuis ras Doumeirah, un point à fixer d'après les données suivantes: Après avoir pris comme point de repère, sur une ligne suivant, à environ soixante kilomètres d'écart, la direction générale de la côte de la mer Rouge, le point équidistant du littoral italien d'Assab et du littoral français de Tadjourah, on fixera, comme point extrême de la ligne de démarcation dont il est question ci-dessus, un point à nord-ouest du point de repère, à une distance de 15 à 20 kilomètres. Le point extrême et la direction de la ligne de démarcation devront, en tout état, laisser du côté italien les routes caravanières se dirigeant de la côte d'Assab vers l'Aussa.

Art. II.

Des Commissaires spéciaux, délégués à cet effet par les deux Gouvernements, procéderont sur les lieux, d'après les données énoncées à l'article précédent, à une démarcation effective. En prenant pour point de départ de la frontière le ras Doumeirah, et en déterminant le tracé

de cette frontière, ils feront en sorte que le point extrême de la ligne puisse être facilement identifié par le choix d'un mamelon, d'un rocher ou d'un autre accident de terrain.

Art. III.

Les deux Gouvernements se réservent de régler plus tard la situation de l'île Doumeirah et des îlots sans nom adjacents à cette île. En attendant, ils s'engagent à ne les pas occuper, et à s'opposer, le cas échéant, à toute tentative, de la part d'une tierce puissance, de s'y arroger des droits quelconques.

En foi de quoi, le présent Protocole a été signé en double exemplaire.

Fait à Rome, le 24 janvier 1900.

Le Ministre des affaires étrangères
de S. M. le Roi d'Italie — *L'Ambassadeur de France*
(*L. S.*) Visconti Venosta. — (*L. S.*) Camille Barrère.

II.

Rom, 10. Juli 1901.

La Commission spéciale visée par l'article II du Protocole signé à Rome, le 24 janvier 1900, entre la France et l'Italie, au sujet de la frontière délimitant leurs possessions respectives dans la région côtière de la mer Rouge et du golfe d'Aden, ayant achevé, sur les lieux, le travail dont elle avait été chargée, et le dit Protocole devant maintenant être complété d'après les résultats de ce travail, les soussignés, dûment autorisés à cet effet, ont stipulé ce qui suit:

La ligne de frontière stipulée par l'article I du Protocole 24 janvier 1900 a son point de départ à la pointe extrême du ras Doumeirah; elle s'identifie ensuite avec la ligne de partage des eaux du promontoire de ce nom; après quoi, à savoir après le parcours d'un kilomètre et demi, elle se dirige en ligne droite au point, sur le Weima, marqué Bisidiro dans la carte ci-annexée.

A partir de Bisidiro, la ligne se confond avec le *thalweg* du Weima, en le remontant jusqu'à la localité que la carte ci-annexée dénomme Daddato, cette localité marquant ainsi le point extrême de la délimitation franco-italienne établie par le susdit Protocole 24 janvier 1900.

En foi de quoi, le présent Protocole a été dressé et signé en double exemplaire.

Fait à Rome, le 10 juillet 1901.

Le Ministre des affaires étrangères
de S. M. le Roi d'Italie — *L'Ambassadeur de France*
(*L. S.*) Prinetti. — (*L. S.*) Camille Barrère.

Nr. 12674. **ITALIEN** und **LUXEMBURG**. — Markenschutzvertrag.

1/3. März 1896.

Le Gouvernement de Son Altesse Royale le Grand-Duc de Luxembourg et le Gouvernement de Sa Majesté le Roi d'Italie, désirant assurer une protection complète et efficace à l'industrie manufacturière des nationaux des deux pays, les soussignés, dûment autorisés à cet effet, sont convenus des dispositions suivantes:

*Art. 1er*. — Les sujets luxembourgeois en Italie et les sujets italiens dans le Grand-Duché de Luxembourg jouiront, en ce qui concerne les marques de fabrique et de commerce, de la même protection que les nationaux.

Art. 2. — Pour assurer à leurs marques la protection stipulée par l'article précédent, les sujets luxembourgeois en Italie et les sujets italiens dans le Grand-Duché de Luxembourg devront remplir les formalités prescrites à cet effet par la législation respective des deux pays.

Art. 3. — Le présent arrangement est exécutoire dès la date de sa publication officielle dans les deux pays et il demeurera en vigueur jusqu'à l'expiration des douze mois qui suivront la dénonciation faite par l'une ou l'autre des parties contractantes. || En foi de quoi les soussignés ont signé la présente déclaration et y ont apposé le sceau de leurs armes.

Fait en double original à Luxembourg le premier, et à La Haye le trois mars 1896.

(signé) Cte Gerbaix de Sonnaz.

(signé) Eyschen.

Nr. 12675. **VEREINIGTE STAATEN** von **AMERIKA** und **MEXIKO**. — Abkommen über Verfolgung von Indianern an der Grenze.

Washington, 4. Juni 1896.

Article I.

It is agreed that the regular federal troops of the two Republics may reciprocally cross the boundary line of the two countries when they are in close pursuit of Kid's band of hostile Indians on the conditions stated in the following articles.

Article II.

It is understood for the purpose of this agreement, that no Indian scout of the Government of the United States of America shall be allowed to cross the boundary line, unless he goes as a guide and trailer, un-

armed and with the proviso that, in no case, more than two scouts shall attend each Company or detachment.

Article III.

The reciprocal crossing agreed upon in Article I shall only take place in the uninhabited or desert parts of said boundary line. For the purposes of this agreement the uninhabited or desert parts are defined to be all points that are at least ten kilometers distant from any encampment or town of either country.

Article IV.

No crossing of troops of either country shall take place from Capitan Leal, a town on the Mexican side of the Rio Grande, eighty-four kilometers (52 English miles) above Piedras Negras, to the mouth of the Rio Grande.

Article V.

The Commander of troops crossing the frontier in pursuit of Indians, shall, at the time of crossing, or before if possible, give notice of his march to the nearest military commander, or civil authority, of the country whose territory he is about to enter.

Article VI.

The pursuing force shall retire to its own territory as soon as it shall have chastised Kid's band of hostile Indians, or have lost its trail; but if, during the pursuit of that band, it shall meet with other hostile Indians, it may chastise them as if those first named were concerned. In no case shall the forces of the two countries, respectively, establish themselves or remain in the foreign territory for any time longer than is necessary to enable them to pursue the band whose trail they are following. || The temporary loss of the trail, owing to rain or any other accident, shall not be deemed sufficient cause for abandoning the pursuit or for withdrawing the pursuing force, when there is a reasonable prospect of soon finding the trail again by means of a continued movement.

Article VII.

Any abuses that may be committed by the forces crossing into the territory of the other nation, shall be punished by the Government to which such forces belong, according to the gravity of the offence and in conformity with its laws, as if the abuses had been committed in its own territory, the said government being further under obligation to withdraw the guilty parties from the frontier.

Article VIII.

In the case of offences commit by the inhabitants of one country against the force of the other that may be within the limits of the former, the Government of said country shall only be responsible to the Government of the other for denial of justice in the punishment of the guilty parties.

Article IX.

This provisional agreement shall remain in force until Kid's band of hostile Indians shall be wholly exterminated or rendered obedient to one of the two Governments.

Article X.

The Senate of the United Mexican States having authorized the President to conclude this agreement, it shall take effect immediately.

In testimony whereof we have signed this agreement this 4th day of June, 1896.

Richard Olney.
M. Romero.

Nr. 12676. **VEREINIGTE STAATEN von AMERIKA und CHILE.** — Abkommen über Schadenersatzansprüche der beiderseitigen Staatsangehörigen.

Santiago, 7. August 1892.

The United States of America and the Republic of Chile, animated by the desire to settle and adjust amicably the claims made by the citizens of either country against the government of the other, growing out of acts committed by the civil or military authorities of either country, have agreed to make arrangements for that purpose, by means of a Convention, and have named as their Plenipotentiaries to confer and agree thereupon as follows:

The President of the United States of America, Patrick Egan, Envoy Extraordinary and Minister Plenipotentiary of the United States at Santiago, and the President of the Republic of Chile, Isidoro Errázuriz, Minister of Foreign Relations of Chile; || Who, after having communicated to each other their respective full powers, found in good and true form, have agreed upon the following articles: —

Article I.

All claims on the part of corporations, companies or private individuals, citizens of the United States, upon the Government of Chile,

arising out of acts committed against the persons or property of citizens of the United States not in the service of the enemies of Chile, or voluntarily giving aid and comfort to the same, by the civil or military authorities of Chile; and on the other hand, all claims on the part of corporations, companies or private individuals, citizens of Chile, upon the Government of the United States, arising out of acts committed against the persons or property of citizens of Chile, not in the service of the enemies of the United States, or voluntarily giving aid and comfort to the same, by the civil or military authorities of the Government of the United States, shall be referred to three Commissioners, one of whom shall be named by the President of the United States, and one by the President of the Republic of Chile, and the third to be selected by mutual accord between the President of the United States and the President of Chile. In case the President of the United States and the President of Chile shall not agree within three months from the exchange of the ratifications of this Convention to nominate such third Commissioner then said nomination of said Commissioner shall be made by the President of the Swiss Confederation.

Article II.

The said Commission, thus constituted, shall be competent and obliged to examine and decide upon all claims of the aforesaid character presented to them by the citizens of either country.

Article III.

In case of the death, prolonged absence or incapacity to serve of one of the said Commissioners, or in the event of one Commissioner omitting, or declining, or ceasing to act as such, then the President of the United States, or the President of the Republic of Chile, or the President of the Swiss Confederation, as the case may be, shall forthwith proceed to fill the vacancy so occasioned by naming another Commissioner within three months from the occurrence of the vacancy.

Article IV.

The Commissioners named as herein before provided shall meet in the City of Washington at the earliest convenient time within six months after the exchange of ratifications of this Convention, and shall, as their first act in so meeting, make and subscribe a solemn declaration that they will impartially and carefully examine and decide, to the best of their judgment and according to public law, justice and equity, without fear, favour or affection, all claims within the description and true meaning of Articles I and II, which shall be laid before them on the part of the

Governments of the United States and of Chile respectively; and such declaration shall be entered on the record of their proceedings; Provided, however, that the concurring judgment of any two Commissioners shall be adequate for every intermediate decision arising in the execution of their duty and for every final award.

Article V.

The Commissioners shall, without delay, after the organization of the Commission, proceed to examine and determine the claims specified in the preceding articles, and notice shall be given to the respective Governments of the day of their organization and readiness to proceed to the transaction of the business of the Commission. They shall investigate and decide said claims in such order and in such manner as they may think proper, but upon such evidence or information only as shall be furnished by or on behalf of the respective Governments. They shall be bound to receive and consider all written documents or statements which may be presented to them by or on behalf of the respective Governments in support of, or in answer to, any claim, and to hear, if required, one person on each side whom it shall be competent for each Government to name as its Counsel or Agent to present and support claims on its behalf, on each and every separate claim. Each Government shall furnish at the request of the Commissioners, or of any two of them, the papers in its possession which may be important to the just determination of any of the claims laid before the Commission.

Article VI.

The concurring decisions of the Commissioners, or of any two of them, shall be conclusive and final. Said decisions shall in every case be given upon each individual claim, in writing, stating in the event of a pecuniary award being made, the amount or equivalent value of the same in gold coin of the United States; and in the event of interest being allowed on such award, the rate thereof and the period for which it is to be computed shall be fixed, which period shall not extend beyond the close of the Commission; and said decision shall be signed by the Commissioners concurring therein.

Article VII.

The High Contracting Parties hereby engage to consider the decision of the Commissioners, or of any two of them, as absolutely final and conclusive upon each claim decided upon by them, and to give full effect to such decisions without any objections, evasions, or delay whatever.

Article VIII.

Every claim shall be presented to the Commissioners within a period of two months reckoned from the day of their first meeting for business, after notice to the respective Governments as prescribed in Article V of this Convention. Nevertheless, where reasons for delay shall be established to the satisfaction of the Commissioners, or of any two of them, the period for presenting the claim may be extended by them to any time not exceeding two months longer. ‖ The Commissioners shall be bound to examine and decide upon every claim within six months from the day of their first meeting for business as aforesaid; which period shall not be extended except only in case of the proceedings of the Commission shall be interrupted by the death, incapacity, retirement or cessation of the functions of any one of the Commissioners, in which event the period of six months herein prescribed shall not be held to include the time during which such interruption may actually exist. ‖ It shall be competent in each case for the said Commissioners to decide whether any claim has, or has not, been duly made, preferred, and laid before them, either wholly, or to any and what extent, according to the true intent and meaning of this Convention.

Article IX.

All sums of money which may be awarded by the Commissioners as aforesaid, shall be paid by the one Government to the other, as the case may be, at the capital of the Government to receive such payment, within six months after the date of the final award, without interest, and without any deduction save as specified in Article X.

Article X.

The Commissioners shall keep an accurate record and correct minutes or notes of all their proceedings, with the dates thereof; and the Governments of the United States and of Chile may each appoint and employ a Secretary versed in the languages of both countries, and the Commissioners may appoint any other necessary officer or officers to assist them in the transaction of the business which may come before them. ‖ Each Government shall pay its own Commissioner, Secretary and Agent or Counsel, and at the same or equivalent rates of compensation, as near as may be, for like officers on the one side as on the other. All other expenses, including the compensation of the third Commissioner, which latter shall be equal or equivalent to that of the other Commissioners shall be defrayed by the two Governments in equal moieties. ‖ The whole

expenses of the Commission, including contingent expenses, shall be defrayed by a ratable deduction on the amount of the sums awarded by the Commissioners, provided always that such deductions shall not exceed the rate of five per centum on the sum so awarded. If the whole expenses shall exceed this rate, then the excess of expense shall be defrayed jointly by the two Governments in equal moieties.

Article XI.

The High Contracting Parties agree to consider the result of the proceedings of the Commission provided for by this Convention as a full, perfect and final settlement of any and every claim upon either Government within the description and true meaning of Articles I and II; and that every such claim, whether or not the same may have been presented to the notice of, made, preferred or laid before the said Commission, shall, from and after the conclusion of the proceedings of the said Commission, be treated and considered as finally settled, concluded and barred.

Article XII.

The present Convention shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof and by the President of the Republic of Chile, with the consent and approbation of the Congress of the same, and the ratifications shall be exchanged at Washington, at as early a day as may be possible within six months from the date hereof. || In testimony whereof the respective Plenipotentiaries have signed the present Convention, in the English and Spanish languages, in duplicate, and hereunto affixed their respective seals. || Done at the city of Santiago the seventh day of August, in the year of our Lord one thousand eight hundred and ninety-two.

[Seal.] Patrick Egan.
[Seal.] Isidoro Errázuriz.

Nr. 12677. **ITALIEN und SCHWEIZ.** — Vertrag über Bau und Benutzung einer Eisenbahn durch den Simplon.

Bern, 25. November 1895.

Sa Majesté le Roi d'Italie et le Conseil fédéral de la Confédération Suisse, désireux l'un et l'autre d'étendre les relations commerciales entre l'Italie et la Suisse, se sont engagés, dans le traité de commerce du 19 avril 1892, à favoriser de tout leur pouvoir la création de nouvelles voies de communication entre les deux pays. || Reconnaissant que la construction d'une voie ferrée à travers le Simplon serait éminemment de

nature à concourir au but qu'ils poursuivent, Sa Majesté le Roi d'Italie et le Conseil fédéral suisse ont nommé pour leurs plénipotentiaires chargés de définir les conditions générales suivant lesquelles cette ligne sera exécutée et exploitée, savoir: ‖ Sa Majesté le Roi d'Italie: ‖ Monsieur Auguste des barons Peiroleri, sénateur du Royaume, Son Envoyé extraordinaire et ministre plénipotentiaire prés la Confédération suisse; ‖ Monsieur le commandeur Antoine Ferrucci, député au Parlement et président de section du Conseil supérieur des travaux publics; ‖ Le Conseil fédéral de la Confédération suisse: ‖ Monsieur Joseph Zemp, président de la Confédération, chef du Département fédéral des chemins de fer; ‖ Monsieur Andrien Lachenal, vice-président du Conseil fédéral, chef du Département fédéral des affaires étrangères: ‖ Monsieur Emile Frey, Conseiller fédéral, chef du Département militaire fédéral; ‖ lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des articles suivants:

Article premier.

Les hautes parties contractantes s'unissent pour assurer une nouvelle jonction entre les réseaux de chemins de fer des deux pays au moyen d'une ligne à construire à travers le massif du Simplon, entre les stations extrêmes de Brigue et de Domodossola.

Art. 2.

La jonction à établir comprend trois tronçons: ‖ 1° la ligne d'accès du côté nord, dès la station actuelle de Brigue jusqu'à la tête nord du grand tunnel; ‖ 2° le grand tunnel du Simplon, y compris la partie de ligne entre la tête sud et l'aiguille d'entrée de la station d'Iselle; ‖ 3° la ligne d'accès du côté sud, dès l'aiguille d'entrée de la station d'Iselle jusqu'à la station actuelle de Domodossola. ‖ Le point de jonction proprement dit est situé dans l'intérieur du grand souterrain, à environ 9 100 mètres de sa tête nord et à environ 10 630 mètres de sa tête sud.

Art. 3.

Le Conseil fédéral suisse s'engage, dans les limites de la concession qu'il accorde à la Compagnie des chemins de fer Jura-Simplon, à prendre les mesures nécessaires pour assurer l'exécution et l'exploitation de la ligne d'accès nord, ainsi que celle du grand souterrain lui-même, y compris la section de ligne entre la tête sud du grand tunnel et l'aiguille d'entrée de la station d'Iselle.

Art. 4.

Le Gouvernement italien s'engage, de son côté, à assurer l'exécution et l'exploitation de la ligne d'accès du côté sud, dès la station de Domodossola jusques et y compris celle d'Iselle, et à accorder à la Compagnie Jura-Simplon la concession nécessaire pour construire et exploiter la partie du grand souterrain située sur le territoire italien, y compris la section de ligne entre la tête sud du grand tunnel et l'aiguille d'entrée de la station d'Iselle.

Art. 5.

Le grand tunnel sera construit conformément aux plans généraux annexés au présent traité et aux actes de concession.

Art. 6.

Les lignes d'accès au grand souterrain devront être établies selon les conditions d'une grande ligne internationale. Elles seront projetées pour deux voies, dont une seule sera d'abord construite. Cependant, partout où l'élargissement ultérieur de la plateforme exigerait, en cours d'exploitation, une augmentation importante de la dépense, les travaux seront de prime abord exécutés pour deux voies. || Le rayon minimal des courbes est fixé à 300 mètres, la déclivité maximale du côté nord à 10 ‰ et la déclivité maximale du côté sud à 25 ‰.

Art. 7.

Chacun des deux Gouvernements arrêtera et approuvera les projets de construction des tronçons du chemin de fer situés sur son territoire, et en surveillera l'exécution. || Toutefois, le grand tunnel constituant une seule et même entreprise, le contrôle et la surveillance de son exécution, tant pour la première que pour la seconde voie, sont dévolus au Conseil fédéral suisse. || Le Gouvernement italien aura cependant en tout temps le droit de faire visiter les travaux du grand tunnel par les délégués techniques qu'il désignera, pour s'assurer de la marche régulière de ces travaux.

Art. 8.

Les deux Gouvernements veilleront à ce que les prescriptions relatives à l'unité technique internationale en matière de chemin de fer, soient ponctuellement observées dans l'établissement des tronçons de ligne soumis à leur contrôle respectif.

Art. 9.

Le Conseil fédéral suisse fera exécuter les prescriptions du présent traité relatives à la construction de la grande galerie, et il prononcera sur toutes les questions qui ont trait à cette construction, toutefois sur

le préavis des délégués techniques italiens, si ces questions concernent les travaux sur territoire italien. || Les deux Gouvernements se communiqueront réciproquement des rapports périodiques sur la marche et l'état d'avancement des travaux soumis à leur contrôle respectif.

Art. 10.

Les travaux seront dirigés et poursuivis, sur les deux territoires, de telle sorte que la ligne entière de Brigue à Domodossola puisse être ouverte à l'exploitation dans un délai maximum de huit ans à partir de la date d'échange des ratifications du présent traité. Ce délai sera plus exactement déterminé deux ans après le commencement des travaux du grand tunnel. || Les pénalités prévues dans les concessions suisse et italienne pour non observation du délai de construction du grand tunnel, ne pourront être prononcées, en tant qu'elles entraîneraient la déchéance de la concession, qu'ensuite d'entente entre les deux Gouvernements contractants.

Art. 11.

L'autorisation de commencer les travaux ne sera accordée à la Compagnie Jura-Simplon que lorsque celli-ci aura justifié, auprès des deux Gouvernements, de la possession de ressources suffisantes pour l'exécution de ses concessions.

Art. 12.

Le Conseil fédéral suisse s'engage à affecter à la traversée du Simplon la subvention de quatre millions et demi de francs accordée par la loi fédérale du 22 août 1878 en faveur d'un chemin de fer à travers les Alpes, à l'occident du Gothard. || Le Gouvernement italien s'engage, de son côté, à payer à la Compagnie Jura-Simplon une subvention annuelle de soixante-six mille lires, à partir de la mise en exploitation du grand tunnel et de ses lignes d'accès, indiquées dans l'article 2, et cela pendant toute la durée de la concession. || La Compagnie Jura-Simplon prévoit en outre l'obtention d'une subvention de dix millions et demi de francs de la part de la Suisse (Cantons, Communes et Corporations) et de quatre millions de lires de la part de l'Italie (Provinces, Communes et Corporations intéressées à l'entreprise). || La renonciation aux droits dits de réversion qui, à teneur des concessions appartiennent aux cantons sur certaines sections de lignes traversant leur territoire, pourra être comprise dans la subvention ci-dessus de $10\frac{1}{2}$ millions à fournir par la Suisse.

Art. 13.

La Compagnie Jura-Simplon ne pourra être requise de construire la deuxième voie aussi longtemps que le produit brut du trafic entre Brigue

et Domodossola ne dépassera pas 40000 francs par kilomètre et par année. || Dans le cas où l'établissement de la seconde voie serait exigé par le Gouvernement italien, ce dernier sera tenu de parteciper à la dépense par une subvention de dix millions de lires payables aussitôt après l'achèvement des travaux, ainsi que de prolonger cette seconde voie entre Iselle et Domodossola. Mais si la seconde voie est établie spontanément par la Compagnie ou exigée par la Confédération suisse, le Gouvernement italien sera tenu seulement de la prolonger entre Iselle et Domodossola.

Art. 14.

Les parties contractantes s'entendront pour faciliter de tout leur pouvoir le trafic sur le chemin de fer du Simplon et pour assurer le transport des personnes, des marchandises et des objets postaux de toute espèce dans les conditions les plus régulières et les plus rapides, et au meilleur marché possible.

Art. 15.

L'exploitation de la ligne entre Brigue et Domodossola sera faite par une seule des deux Compagnies aboutissantes, savoir par la Compagnie Jura-Simplon, en sa qualité de concessionaire de la construction et de l'exploitation du grand tunnel qui constitue la partie la plus importante de la ligne. Une convention spéciale déterminera les conditions d'exploitation du tronçon d'Iselle à Domodossola.

Art. 16.

Les deux Gouvernements veilleront à ce que, dans, l'élaboration des tarifs, il ne soit pas appliqué sur les lignes d'accès au grand tunnel des taxes plus élévées que sur les lignes aboutissantes. Ils veilleront aussi à ce qu'il soit établi des tarifs directes pour le transit à travers le Simplon. Ces tarifs, ainsi que les modifications qu'on jugera à propos d'y apporter, devront être approuvés par les Gouvernements des deux pays. Afin d'assurer l'unité des tarifs sur le tronçon du grand tunnel, les taxes de transport pour voyageurs et marchandises sont fixées pour tout le parcours de Brigue à Iselle, sur les bases de la concession suisse. En vue de tenir compte des grandes dépenses d'établissement de ce tronçon tous les tarifs pourront être calculés, entre Brigue et Iselle, sur la base d'une majoration de longuer de 22 kilomètres, soit de 11 kilomètres sur chacun des deux territoires.

Art. 17.

Le Conseil fédéral suisse consent à ce qu'un nombre équitable de membres à nommer par lui, sur la présentation du Gouvernement italien,

fassent partie du Conseil d'administration de la Compagnie Jura-Simplon, dès l'échange des ratifications du présent traité.

Art. 18.

Les individus condamnés pour crimes ou délits de droit commun et pour contraventions aux lois en matière de douane ne pourront pas être employés par la Compagnie Jura-Simplon entre les stations de jonction. | Il n'est d'ailleurs dérogé en rien aux droits de souveraineté appartenant, à chacun des Etats sur la partie du chemin de fer située sur son territoire.

Art. 19.

Les deux Gouvernements agiront d'un commun accord pour assurer la correspondance, soit à Brigue, soit à Domodossola, avec les départs et les arrivées des trains les plus directs des réseaux aboutissants. Ils se réservent de déterminer le nombre minimum des trains destinés au transport des voyageurs; ce nombre ne pourra, en aucun cas, être inférieur à quatre par jour dans chaque direction, et l'un de ces trains, au moins, sera un train express.

Art. 20.

Sur tout le parcours, il ne sera pas fait de différence entre les habitants des deux Etats ni quant au mode et aux prix de transport, ni quant aux temps et au mode de l'expédition. A cet effet, les voyageurs et les marchandises passant de l'un des deux États dans l'autre, ou qui y transitent, ne seront traités, sous aucun rapport, moins favorablement que ceux qui sortent du territoire ou qui circulent à l'intérieur.

Art. 21.

Les deux Gouvernements conviennent réciproquement que les formalités à remplir, le cas échéant, pour la vérification des passeports et la police des voyageurs, seront réglées aussi favorablement que le permet la législation de chacun des deux pays.

Art. 22.

Les deux Gouvernements accorderont aux voyageurs, à leurs bagages et aux marchandises transportées, en ce qui concerne des formalités douanières, toutes les facilités compatibles avec les lois et les règlements généraux des deux Etats, et spécialement les facilités qui sont ou seront ultérieurement accordées sur tout autre chemin de fer traversant la frontière de l'un des deux Etats. || Les marchandises et bagages transportés de l'un dans l'autre des deux pays, à destination de stations autres que

celles de jonction, seront admis à passer outre jusqu'au lieu de leur destination sans être soumis aux visites de la douane dans les bureaux situés à la frontière, et cela aux conditions ci-après: || 1° les wagons complets ainsi que les colis isolés seront, sans exception, mis sous fermeture douanière par le bureau de douane frontière; || 2° la dite facilité ne pourra être accordés que pour les marchandises et bagages destinés à une localité où se trouve un bureau de douane muni des compétences nécessaires;|| 3° les envois de marchandises dont la visite douanière est jugée nécessarie ailleurs, dans certains cas, par des dispositions législatives ou réglementaires, sont exclus des facilités stipulées ci-dessus; || 4° il sera en outre exigé d'une manière générale, qu'il soit satisfait aux prescriptions des lois et règlements en vigueur sur la matière. || Les deux Gouvernements se confèrent réciproquement le droit de faire escorter par leurs employés de douane les convois circulant entre les stations de jonction des deux pays.

Art. 23.

La voie ferrée de Brigue à Domodossola sera considérée comme route internationale ouverte, pour les deux pays, à l'importation, à l'exportation et au transit des marchandises non prohibées, ainsi qu'au transport des voyageurs, tant de jour que de nuit, sans distinction de jours ouvrables et fériés, en ce qui concerne les trains prévus à l'horaire.

Art. 24.

Les Compagnies ou administrations chargées de l'exploitation du chemin de fer entre Brigue et Domodossola seront tenues de remplir, en ce qui concerne le service de postes dans les stations de jonction et entre ces stations, les obligations suivantes: || 1° transporter, par chaque convoi pour voyageurs, les voitures de la poste des deux Gouvernements, les correspondances, les colis et objets postaux de toute espèce et les employés chargés du service, aux conditions qui seront établies par l'acte de concession et le cahier des charges; || 2° accorder aux employés de l'administration postale la libre entrée des voitures postales, et la faculté de prendre et de remettre les lettres et les colis; || 3° mentre à la disposition de l'administration postale des deux pays, dans les stations qui seront désignées à cet effet, un emplacement sur lequel pourront être établis les bâtiments ou hangars nécessaires au service de la poste, et dont le prix de location sera fixé de gré à gré ou à dire d'experts; || 4° établir, autant que faire se pourra, entre l'exploitation du chemin de fer et le service du transport des lettres, la conformité qui sera jugée nécessaire par les deux Gouvernements pour obtenir un transport aussi

régulier et aussi prompt que possible. || Les administrations des postes des deux Etats s'entendront entre elles relativement à l'emploi du chemin de fer pour le service postal entre les deux stations frontières.

Art. 25.

Les deux Gouvernements consentent à ce qu'il soit établi des télégraphes électro-magnétiques et des téléphones pour le service du chemin de fer, ainsi que les installations nécessaires sur leurs territoires pour créer et entretenir, le cas échéant, un service de traction électrique entre les stations de Brigue et d'Iselle. || Des télégraphes et des téléphones pour le service international et public pourront également être établis le long du chemin de fer par les soins des deux Gouvernements, chacun sur son territoire. || Les administrations italienne et suisse auront droit, entre les deux stations frontières, au transport gratuit du personnel et du matériel nécessaire à l'établissement, à l'entretien et à la surveillance des lignes télégraphiques et téléphoniques établies par chacune d'elles le long du chemin de fer.

Art. 26.

La désignation de la gare internationale ou éventuellement des gares internationales, ainsi que la stipulation des dispositions concernant le service de la douane, de la poste, du télégraphe, de la police en général et de la police sanitaire des deux Etats, à appliquer dans la ou lesdites gares internationales, en tant que ces points ne sont pas réglés dans le présent traité, sont expressément réservées à une entente ultérieure entre les Gouvernements des deux Etats.

Art. 27.

Le présent traité sera soumis à l'approbation du Parlement italien et de l'Assemblée fédérale, et les ratifications en seront échangées à Berne aussitôt que faire se pourra. || En foi de quoi, les Plénipotentiaires ont signé le présent traité et y ont apposé leurs cachets.

Fait à Berne en double expédition, le vingt-cinq novembre mil-huit-cent-quatre-vingt-quinze.

(L. S.) A. Peiroleri. (L. S.) Zemp.
(L. S.) A. Ferrucci. (L. S.) A. Lachenal.
(L. S.) E. Frey.

Nr. 12678. ITALIEN und BULGARIEN. — Vorläufiges Handelsabkommen.

Sofia, 12. März 1897.

Les soussignés, || Dr. C. Stoiloff, Président du Conseil et Ministre des affaires étrangères et des cultes de S. A. R. le Prince de Bulgarie, Grand Cordon de l'ordre princier de St-Alexandre en brillants, Grand Cordon des ordres de l'Osmanié et du Medjidié en brillants etc., etc. d'une part, et || Chevalier Jules Silvestrelli, Agent diplomatique et Consul général de S. M. le Roi d'Italie en Bulgarie, Officier de ses ordres de St-Maurice et Lazare et de la Couronne d'Italie d'autre part, || dûment autorisés par leurs Gouvernements respectifs, sont convenus de ce qui suit: || 1. Les marchandises italiennes importées en Bulgarie et les marchandises bulgares importées en Italie jouiront, respectivement et sans conditions, du traitement de la nation la plus favorisée. Ce traitement de la nation la plus favorisée se refère aux droits de douane, d'octroi et d'accise, aux droits de toute autre espèce, ainsi qu'aux frais, modes et facilités de transport. || 2. Les sujets italiens en Bulgarie et les sujets bulgares en Italie jouiront d'une pleine liberté et des mêmes droits et facilités dont jouissent les nationaux respectifs et les sujets des nations les plus favorisées dans tout ce qui concerne l'exercice du commerce, de l'industrie, des professions et des métiers. Cette disposition ne se refère pas en Italie aux cas spécialement contemplés par les lois, et en Bulgarie aux pharmaciens, aux courtiers, au colportage, au commerce et aux professions exercées exclusivement en ambulant, aux cabaretiers de village, à l'exception des villages situés près de centres d'ouvriers ou le long des lignes de chemins de fer en construction ou en réparation, où les sujets italiens seront libres d'ouvrir des cabarets, en s'acquittant de la taxe relative, d'après la loi en vigueur. || Les voyageurs de commerce devront être munis d'une carte de légitimation industrielle conforme au modèle annexé au traité entre l'Autriche-Hongrie et la Bulgarie du 9/21 décembre 1896. Ces cartes seront délivrées par les autorités des deux pays qui seront désignées par les Gouvernements respectifs. || 3. Le Gouvernement italien consent, pour la durée du présent accord, que les marchandises d'origine ou de manufacture italienne acquittent à leur entrée en Bulgarie les droits de douane, d'octroi et d'accise indiqués dans l'annexe A et dans le protocole final du traité susmentionné entre l'Autriche-Hongrie et la Bulgarie du 9/21 décembre 1896, sauf toutes les réductions accordées ou qui seront accordées à d'autres puissances, et à l'exception des articles suivants, qui paieront les droits ci-dessous mentionnés:

Droits de douane.

Chapeaux en feutre	douze pour cent	*ad valorem*
Chapeaux de paille	douze pour cent	„
Fruits frais	dix et demi pour cent	„
Pâtes alimentaires	dix et demi pour cent	„
Pistaches, arachides, noix, noisettes, amandes de toute sorte . . .	dix et demi pour cent	„
Fromages: parmigiano, gorgonzola, pecorino, cacio cavallo, fontina, provolone, stracchino	douze pour cent	„

Droits d'accise.

Allumettes en cire . . . . 50 francs par 100 kilogrammes. Le riz, les pâtes alimentaires, les fruits frais, les fruits secs, les fromages, le cuir pour semelles resteront exempts de droit d'accise.

4. Le vermouth sera traité comme vin et non comme liqueur, en ce qui concerne l'acquittement des droits de douane, d'octroi et d'accise. ‖ 5. Le sel marin et le sel gemme seront traités ainsi qu'il est fixé dans la loi du 20 décembre 1894, mais le Gouvernement princier s'engage à ne pas accorder de privilèges à d'autres nations relativement à l'introduction du sel marin et du sel gemme en Bulgarie. ‖ 6. Le présent accord entrera en vigueur le 1/13 avril 1897, et demeurera exécutoire pour une année, pendant laquelle les deux parties contractantes s'engagent de négocier pour la conclusion d'un traité de commerce définitif.

Fait en double à Sofia le 12 mars (28 février) 1897.

G. Silvestrelli.
Dr. C. Stoiloff.

Déclaration annexée à l'arrangement commercial entre l'Italie et la Bulgarie.

Toutes les stipulations des traités et conventions, ainsi que les immunités, consuétudes et droits, actuellement en vigueur, seront maintenus tant qu'ils n'auront pas été modifiés par des conventions spéciales entre les deux parties contractantes..

Sofia, le 12 mars (28 février) 1897.

G. Silvestrelli.
Dr. C. Stoiloff.

Nr. 12679. VEREINIGTE STAATEN und DÄNEMARK. — Vertrag über Markenschutz.

Kopenhagen, 15. Juni 1892.

Convention.

With a view to secure for the manufacturers in the United States of America, and those in Denmark, the reciprocal protection of their Trade Marks and Trade Labels, the Undersigned, duly authorised to that effect, have agreed on the following dispositions.

Article I.

The subjects or citizens of each of the High Contracting Parties shall in the Dominions and Possessions of the other have the same rights as belong to native subjects or citizens, in everything relating to Trade Marks and Trade Labels of every kind. || Provided, always, that in the United States the subjects of Denmark, and in Denmark, the citizens of the United States of America, cannot enjoy these rights to a greater extent or for a longer period of time than in their native country.

Article II.

Any person in either country desiring protection of his Trade Mark in the Dominions of the other must fulfil the formalities required by the law of the latter; but no person, being a subject or citizen of one of the contracting States, shall be entitled to claim protection in the other by virtue of the provisions of this convention, unless he shall have first secured protection in his own country in accordance with the laws thereof.

Article III.

This arrangement shall go into effect immediately on or after the exchange of the ratifications and shall be in force until a year after it has been recalled by the one or the other of the two High Parties.

Article IV.

The present convention shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof and by His Majesty the King of Denmark, and the ratifications shall be exchanged at Copenhagen as soon as may be within ten monts from the date hereof. || In witness whereof the Undersigned have signed the present convention and have affixed thereto the seal of their arms. || Done at Copenhagen in double expedition the 15. June, 1892.

Clark E. Carr. [seal.]

Nr. 12680. **VEREINIGTE STAATEN von AMERIKA und JAPAN.** — Zusatz zu dem Handelsvertrage vom 22. Nov. 1894. (Nr. 11092.)

Washington, 13. Januar 1897.

Whereas a Convention between the United States of America and the Empire of Japan securing immediate reciprocal protection for patents, trade-marks and designs, was concluded and signed by their respective plenipotentiaries at the City of Washington on the thirteenth day of January, one thousand eight hundred and ninety-seven, the original of which Convention being in the English language is word for word as follows: || The President of the United States of America and His Majesty the Emperor of Japan, being desirous of securing immediate reciprocal protection for patents, trade-marks and designs, have resolved to conclude a Convention for that purpose, and have appointed as their Plenipotentiaries: || The President of the United States, the Honorable Richard Olney, Secretary of State of the United States; and His Majesty the Emperor of Japan, Toru Hoshi, Jushii, His Majesty's Envoy Extraordinary and Minister Plenipotentiary near the Government of the United States; || Who, after having communicated to each other their respective full powers, found in good and due form, have agreed as follows: || Article XVI of the Treaty of Commerce and Navigation between the United States of America and Japan concluded at Washington on the twenty-second day, the eleventh month, the twenty-seventh year of Meiji, corresponding to the twenty-second day of November, eighteen hundred and ninety-four of the Christian Era, shall have full force and effect from the date of the exchange of ratifications of this Convention. || The present Convention shall be duly ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by His Majesty the Emperor of Japan in the usual manner; and the ratifications shall be exchanged at Tokyo as soon as possible. || In witness whereof, the respective Plenipotentiaries have signed this Convention and have thereunto affixed their seals. || Done, in duplicate original, at Washington, this thirteenth day of January in the one thousand eight hundred and ninety-seventh year of the Christian Era.

Richard Olney [seal]
Toru Hoshi [seal]

Nr. 12681. FRANKREICH und VEREINIGTE STAATEN von AMERIKA. Handelsabkommen.

Washington, 28. Mai 1898.

Protocole

de l'arrangement réciproque conclu à Washington le vingt-huit Mai mil huit cent quatre-vingt dix-huit, entre le Gouvernement des Etats-Unis d'Amérique et le Gouvernement de la République Française, par leurs représentants respectifs, dûment autorisés à cet effet, savoir: pour le Gouvernement des Etats-Unis d'Amérique, l'Honorable John A. Kasson, commissaire spécial plénipotentiaire & & et pour le Gouvernement de la République Française, son Excellence M. Jules Cambon, Ambassadeur de France, &, &, &. || Le Gouvernement des Etats-Unis d'Amérique et le Gouvernement de la République Française, animés d'un même esprit de conciliation et également désireux d'améliorer les relations commerciales des deux Pays sont convenus de ce qui suit:

I.

Il est convenu de la part de la France que, tant que le présent arrangement restera en vigueur, les articles énumérés ci-après, produits du sol ou de l'industrie des Etats-Unis, seront admis en France aux droits du tarif minimum, c'est à dire à des droits ne dépassant pas les suivants, savoir:

numéros du tarif français.	Désignation des produits.	Droits à percevoir par 100 Kilos. Francs.
19.	Conserves de viandes en boîtes	15.00
84.	Fruits de table, frais:	
	Citrons, oranges, cédrats et leurs variétés non dénommées	5.00
	Mandarines et chinois	10.00
	raisins de table ordinaires	8.00
	Pommes et poires de table	2.00
	Pommes et poires à cidre et à poiré	1.50
	Autres, à l'exception des raisins et fruits forcés	3.00
85.	Fruits de table, secs ou tapés:	
	Pommes et poires de table	10.00
	Pommes et poires à cidre et à poiré	4.00
	Pruneaux et prunes	10.00
	Autres, à l'exception des raisins secs	5.00

128.	Bois Communs	Bois ronds, bruts, non équarris, &., &	0.65
		Bois équarris ou sciés de 80 millimètres d'épaisseur et au-dessus	1.00
		Bois équarris ou sciés d'une épaisseur inférieure à 80 millimètres et supérieure à 35 mm	1.25
		Bois sciés à 35 millimètres d'épaisseur et au-dessous	1.75
129.		Pavés en bois débités en morceaux	1.75
130.		Merrains	0.75
160.	Houblon		30.00
174 ter.	Pommes et poires écrasées		1.50
17 bis.	Charcuterie fabriquée		50.00
30.	Saindoux		25.00

§ 2

II.

Il est réciproquement convenu de la part des Etats-Unis, conformément aux dispositions de la section 3 de la loi douanière des Etats-Unis de 1897 que, tant que le présent arrangement restera en vigueur, les articles suivants, produits du sol ou de l'industrie de la France, seront admis aux Etats-Unis à des droits ne dépassant pas les suivants, savoir: || Tartres bruts, ou lies-de-vin, brutes, cinq pour cent ad valorem; || Cognacs, ou autres spiritueux, ou liqueurs fabriquées, provenant de la distillation de grains ou d'autres matières, un dollar et soixante quinze cents par gallon; || Peintures à l'huile, aquarelles, pastels, dessins et statuaire, quinze pour cent ad valorem; || It est, en outre, convenu de la part des Etats-Unis que les droits imposés et perçus jusqu'ici sur les vins non mousseux, produits de la France, en vertu de la loi douanière des Etats-Unis de 1897, seront conditionnellement suspendus et qu'en leur lieu et place les droits suivants seront imposés et perçus, savoir: || Vins non mousseux et vermouts, en fûts, trente-cinq cents par „gallon“; en bouteilles ou cruchons, par caisse de douze bouteilles ou cruchons ne contenant chacun pas plus de „un quart“ et contenant plus de „une pinte“, ou par caisse de vingt-quatre bouteilles ou cruchons ne contenant chacun pas plus de „une pinte“, un dollar et vingt-cinq cents par caisse; || et il sera payé par pinte ou fraction de pinte un droit de quatre cents sur les excédents que contiendraient ces bouteilles ou cruchons; toutefois il ne sera perçu aucun droit distinct ou additionnel sur les bouteilles ou cruchons. || Mais il est expressément entendu que cette dernière concession pourra être révoquée par le Président des Etats-Unis si, par des droits additionnels qu'il jugerait injustes à l'égard du commerce des Etats-Unis, la France surélève les droits auxquels sont actuellement soumis les produits des Etats-Unis.

III.

Le présent arrangement entrera en vigueur à dater du premier Juin mil huit cent quatre-vingt-dix-huit.

Fait et signé en double exemplaire, à Washington, le vingt-huit Mai mil huit cent quatre-vingt-dix-huit.

John A. Kasson
Jules Cambon

Nr. 12682. ÄGYPTEN und FRANKREICH. — Handelsvertrag.

Kairo, 26. November 1902.

Les soussignés, Son Excellence Boutros Ghali Pascha, Ministre des Affaires Etrangères du Gouvernement de Son Altesse le Khédive d'Égypte, et Monsieur George Cogordan, Ministre plénipotentiaire de première classe Commandeur de la Légion d'Honneur, au nom de la République Française; dûment autorisés par leurs Gouvernements respectifs et, en ce qui concerne l'Égypte, dans les limites des pouvoirs conférés par les Firmans Impériaux, sont convenus de ce qui suit:

Article Premier.

Il y aura pleine et entière liberté de commerce et de navigation entre la République Française et l'Égypte. || Les ressortissants de la République Française en Égypte et les Égyptiens en France pourront librement entrer avec leurs navires et leurs cargaisons dans tous les endroits et ports dont l'entrée est ou sera permise aux ressortissants de la nation la plus favorisée, et ils jouiront réciproquement, en ce qui concerne le commerce et la navigation, des mêmes droits, privilèges, libertés, faveurs, immunités et franchises dont jouissent ou pourraient jouir les ressortissants de la nation la plus favorisée, sans qu'ils aient à payer de taxes ou droits plus élevés que ceux auxquels ces derniers sont assujettis.

Art. 2.

Les produits du sol ou de l'industrie de la France qui seront importés en Égypte et les produits du sol ou de l'industrie de l'Égypte qui seront importés en France, ne seront pas soumis à des droits autres ou plus élevés que ceux qui seront perçus sur les produits similaires originaires du pays étranger le plus favorisé et en provenant dans les mêmes conditions. || Les deux Parties Contractantes s'engagent à n'établir l'une envers l'autre aucune prohibition d'importation. Toutefois, chacune

des Parties Contractantes se réserve le droit d'édicter des prohibitions d'importation dans l'intérêt de la sécurité ou de la moralité publiques sous la condition que ces prohibitions seront applicables aux autres nations. || Cette dernière restriction n'est pas applicable aux prohibitions ou restrictions temporaires d'entrée ou de transit que l'une ou l'autre des Parties Contractantes jugerait nécessaire d'édicter pour protéger la santé publique, pour empêcher la propagation d'épizootie ou la destruction des récoltes ou pour protéger les plantes utiles.

Art. 3.

Les articles destinés à être exportés d'Égypte en France ou de France en Égypte, ne pourront être frappés en Égypte et, respectivement en France, de droits ou charges autres ou plus élevés que ceux qui sont ou pourraient être acquittés lors de l'exportation des dits articles à destination du pays étranger le plus favorisé. || Les deux Parties Contractantes s'engagent à n'établir l'une envers l'autre aucune prohibition d'exportation qui ne soit en même temps applicable aux autres nations.

Art. 4.

Les Parties Contractantes conviennent que pour tout ce qui concerne le commerce, la navigation, le montant, la garantie et la perception des droits d'importation et d'exportation, ainsi que le transit, tous les privilèges, aveurs ou immunités quelconques que l'une des Parties Contractantes af déjà accordés ou pourrait ultérieurement accorder à tout autre pays, seront étendus immédiatement et sans compensation ou autre condition quelconque aux ressortissants, au commerce et à la navigation de l'autre Partie Contractante.

Art. 5.

Quel que soit le port de départ des navires et quel que soit le lieu d'origine ou de destination de leur cargaison, les navires français en Égypte et les navires égyptiens en France, jouiront, sous tous les rapports, du même traitement que les navires nationaux et les navires de la nation la plus favorisée. || Cette stipulation s'applique aux règlements locaux, aux taxes et à tous les autres droits similaires perçus à titre rémunératoire dans les ports, bassins, docks, rades et hâvres des Pays Contractants, au pilotage et, en général, à tout ce qui concerne la navigation. || Tout bâtiment considéré comme français par la loi française et tout bâtiment considéré comme égyptien par la loi égyptienne, sera reconnu comme tel par les Parties Contractantes. || Il est fait exception aux dispositions qui précèdent pour le cabotage et la navigation intérieure dont la régime

demeure soumis aux lois respectives des deux pays. || Les articles, quelle qu'en soit la provenance, importés ou exportés par les navires de l'une des Parties Contractantes, ne pourront être soumis, dans les territoires de l'autre Partie, à des restrictions autres où à des droits plus élevés que ceux auxquels seraient assujettis les mêmes articles s'ils étaient importés ou exportés par les navires nationaux ou les navires de la nation la plus favorisée.

Art. 6.

Le Gouvernement Égyptien s'engage à ne soumettre les produits du sol ou de l'industrie de la France à aucun droit excédant 8% *ad valorem*, à l'exception des articles ci-après: || *a*) alcools dulcifiés ou aromatisés (liqueurs) ne contenant pas plus de 50 degrés d'alcool pur, || sucres raffinés, || bois de construction et autres, || qui pourront être portés jusqu'à 10% *ad valorem*; || *b*) alcools au dessus de 50 degrés, || pétroles, animaux, || qui pourront être portés jusqu'à 15% *ad valorem*.

Art. 7.

Les droits d'importation *ad valorem* en Egypte sur les produits du sol ou de l'industrie de la France seront calculés sur la valeur de l'article importé dans le lieu de chargement ou d'achat, valeur majorée des frais de transport et d'assurance jusqu'au port de déchargement en Egypte. || Afin de fixer pour une période déterminée la valeur dans les ports d'entrée des principaux articles taxés, l'Administration des Douanes égyptiennes invitera les principaux commerçants français intéressés dans le commerce des dits articles à procéder en commun avec elle, et les commerçants intéressés des autres nationalités, à l'établissement d'un tarif pour une période n'excédant pas douze mois. || Le tarif ainsi établi sera communiqué par la Douane égyptienne au Consulat de France à Alexandrie et sera en même temps officiellement publié. || Il sera considéré comme officiellement reconnu en ce qui concerne les produits et ressortissants français au cas où le Consulat de France n'y aurait pas fait une opposition formelle pendant la quinzaine qui suivra la publication officielle et la communication conforme adressée à ce Consulat.

Art. 8.

Les droits d'exportation seront perçus en Égypte à un taux qui n'excédera pas 1% *ad valorem*. || Il appartiendra à l'Administration des Douanes égyptiennes de faire établir d'accord avec les principaux commerçants intéressés, la valeur des articles d'exportation pour une période déterminée. || Les tarifs ainsi établis pour les articles non tarifés men-

suellement seront communiqués par la Douane égyptienne au Consulat de France à Alexandrie, et ne seront applicables aux ressortissants français que si ce Consulat n'y fait pas une opposition formelle dans la huitaine qui suivra cette communication.

Art. 9.

Aucun droit de transit ne sera prélevé sur les marchandises françaises passant par l'Égypte sans distinction, qu'elles soient transbordées d'un navire à l'autre ou placées dans des entrepôts réels ou transportées par voie de terre à travers le territoire égyptien; mais les charbons embarqués en Égypte continueront à être soumis à un droit équivalent au droit d'exportation, c'est-à-dire 1 °/₀ *ad valorem.* Toutefois, cette taxe ne sera pas perçue sur les charbons embarqués à bord des navires de guerre français.

Art. 10.

En ce qui concerne les taxes intérieures prélevées pour le compte soit de l'État, soit d'une commune ou d'une corporation quelconque, à titre de taxe sur les consommations ou de droit d'accise de quelque espèce que ce soit, chacune des Parties Contractantes s'engage à faire participer l'autre à tous les avantages, privilèges ou abaissements de tarifs dont elle pourrait avoir permis la jouissance à tout autre État. De même, chacune des deux Parties Contractantes jouira immédiatement, et sans condition, de tous privilèges ou immunités que l'autre pourra, par la suite, accorder à toute autre puissance. || Le Gouvernement Égyptien s'engage, en outre, à ce qu'il ne soit prélevé aucune taxe de consommation, ni droit d'accise sur les marchandises d'importation autres que les suivantes: || boissons (sauf le vin qui ne pourra être frappé d'aucune surtaxe), || liquides, || comestibles, || fourrages, || matériaux de construction, lesquelles pourront être frappées de droits intérieurs dont le total ne pourra excéder 2 °/₀ *ad valorem.* Il est toutefois entendu que, dans aucun cas, les produits français ne pourront être frappés de droits intérieurs plus élevés que ceux qui grèvent ou grèveraient les marchandises similaires de production égyptienne. || Les règlements concernant les taxes spéciales et les droits accessoires en douane, tels que le droit de factage, d'entrepôt, droit de dépôt, de quai, de grues, d'écluses, de tamkin, de plombage, de laissez-passer, de déclaration, de pesage, de mesurage et tous les autres droits semblables perçus à titre rémunératoire, seront appliqués par les Douanes de chacune des deux Parties Contractantes aux ressortissants et aux marchandises de l'autre Pays de la même manière qu'aux ressortissants et aux marchandises de la nation la plus favorisée.

Art. 11.

Le tabac de toutes espèces, le tombac, le sel, le salpêtre, le natron et le hachiche sont exclus des stipulations de la présente convention.

Art. 12.

Le Gouvernement égyptien se réserve le droit de prohiber l'importation d'armes de toute espèce, des munitions de guerre, de la poudre et d'autres matières explosibles. || Toutefois, l'importation des objets spécifiés dans le tableau ci-annexé demeurera permise selon les dispositions du règlement de police égyptien également ci-joint, et les droits auxquels ils seront soumis ne dépasseront pas le taux fixé par les dispositions de l'art. 6. || En ce qui concerne l'importation et le trafic des objets spécifiés dans le présent article, les ressortissants français et les marchandises françaises ne seront, dans aucun cas, soumis à des restrictions plus étroites ni à des taxes plus élevées que celles auxquelles seront assujettis les ressortissants de la nation la plus favorisée et les sujets égyptiens les plus favorisés, ainsi que les marchandises étrangères et égyptiennes les plus favorisées.

Art. 13.

Les objets passibles d'un droit de douane, qui sont importés comme échantillons par des marchands, des industriels et des voyageurs de commerce seront, de part et d'autre, admis en franchise de droit d'entrée et de sortie, à la condition que ces objets soient réexportés sans avoir été vendus, et sous réserve de l'accomplissement des formalités de douane nécessaires pour la réexportation ou la mise en entrepôt. || Le délai accordé pour la circulation de ces échantillons sera fixé lors de leur importation et ne pourra être réclamé pour plus d'un an. || La réexportation des échantillons devra être garantie dans les deux Pays immediatement au premier lieu d'entrée, soit par le dépôt du montant des droits de douane, soit par un cautionnement. || Les échantillons importés dans l'un des deux Pays par des voyageurs de commerce pourront, après leur admission par l'autorité douanière du premier lieu d'entrée et durant le délai accordé pour leur circulation, être expédiés par mer à d'autres endroits du même Pays sans être soumis à un renouvellement des formalités d'entrée, moyennant une déclaration de transport faite à l'autorité douanière compétente.

Art. 14.

Sont exemptes de toute vérification dans les Douanes égyptiennes, aussi bien que du paiement des droits à l'entrée et à la sortie, les objets d'usage et effets personnels appartenant aux titulaires ou gérants de

l'Agence Diplomatique de France ou d'un Consulat ou d'un Vice-Consulat, lorsqu'ils sont de carrière (missi) et qu'ils n'exercent aucune autre profession, ne s'occupent ni de commerce ni d'industrie et ne possèdent ni n'exploitent de biens fonds en Egypte. || La même franchise est accordée dans chaque Agence Diplomatique à deux officiers de cette Agence et dans chaque Consulat à un officier de ce Consulat, à la demande de l'Agent diplomatique ou du Consul, à la condition toutefois que ces officiers appartiennent à la catégorie des fonctionnaires qui sont nommés par décret souverain et auxquels le commerce est absolument interdit.

Art. 15.

Dans les principaux ports, autant que l'intérêt du commerce l'exigera, le Gouvernement Egyptien établira des entrepôts où les articles importés pourront être déposés contre un droit de magasinage, et à défaut d'établissements publics de ce genre, il permettra d'entreposer les marchandises dans les magasins privés sous la double fermeture de l'autorité douanière et du détenteur, et contre paiement d'un droit de surveillance conformément au règlement douanier. Le délai d'entreposage des marchandises n'excédera pas douze mois pendant lesquels les importateurs auront la faculté de les réexporter sans payer de droit d'importation ou d'exportation. Passé ce délai, les marchandises seront passibles de l'intégralité des droits d'importation.

Art. 16.

Les capitaines des bâtiments de commerce ayant à bord des marchandises à destination de l'Egypte seront tenus, immédiatement après leur arrivée au port de destination ou au plus tard dans les 36 heures qui suivront leur arrivée, de déposer à la Douane deux copies exactes de leur manifeste certifiées par eux conformes à l'original. De même, ils doivent avant leur départ d'un port égyptien déposer à la Douane une copie du manifeste relatant les marchandises chargées sur leur navire. || Le manifeste original, soit à l'arrivée soit au départ, sera présenté en même temps que les copies pour être comparé et restitué dans les 24 heures. || Les Agents des bateaux français pourront se constituer garants pour l'accomplissement de toutes les formalités douanières prescrites par le Règlement douanier. Les capitaines en seront dès lors dispensés. || Les employés de la Douane ne peuvent procéder en aucun cas à la visite et à la perquisition à bord des bâtiments de commerce sans en avoir donné au préalable connaissance aux Consulats de France pour donner aux Autorités consulaires la faculté d'y assister. Cette notification devra être communiquée aux fonctionnaires consulaires à temps et en men-

tionnant l'heure où l'on procédera à ces formalités. || Dans le cas où la perquisition devrait être faite à bord d'un navire qui aurait séjourné pour une raison quelconque dans un port égyptien plus de vingt et un jours, il ne sera pas nécessaire d'en donner, au préalable, connaissance aux Autorités consulaires. || Les excédents ou déficits que ferait ressortir la comparaison des manifestes avec la cargaison donneront lieu à une application des amendes prévues par le Règlement Douanier Egyptien.

Art. 17.

Toute opération de douane en Egypte, soit à l'arrivée, soit au départ, doit être précédée d'une déclaration spéciale signée par le détenteur de la marchandise ou son représentant. || La déclaration doit contenir toutes les indications nécessaires pour l'application des droits; ainsi, outre la nature l'espèce, la qualité, la provenance et la destination de la marchandise, elle doit énoncer le poids, le nombre, la mesure et la valeur. || Tout refus de faire la déclaration à l'arrivée ou au départ, tout retard apporté à la dite déclaration, toute différence en plus ou en moins entre les poids, nombre, mesure et valeur des marchandises et ceux portés sur la déclaration, donne lieu à l'application de la pénalité prévue par le Règlement douanier égyptien. || La vérification douanière doit être faite dans les quarante-huit heures qui suivront la remise de la déclaration.

Art. 18.

Pour vérifier la valeur énoncée dans la déclaration, la Douane peut réclamer la présentation de tous les documents qui doivent accompagner l'envoi d'une marchandise, tels que facture, police d'assurance, etc. || Si le négociant ne produit pas ces documents ou si ces pièces paraissent insuffisantes, la Douane peut percevoir les droits en nature. || Dans le cas de perception en nature, si les marchandises sont toutes de la même espèce, la perception des droits s'opère proportionnellement aux quantités; dans le cas où les marchandises comprennent des objets d'espèces variées, la perception des droits en nature ne s'opère que sur les articles contestés, en se basant sur les prix indiqués par le négociant. || L'autorité douanière ne pourra pas demander que les droits soient payés en nature sur les articles dont la valeur n'est pas contestée. || Dans le cas où la marchandise dont la valeur est contestée serait indivisible, telle qu'une voiture, un piano, une pièce de machine, etc., la Douane pourra prendre pour son compte la marchandise. || Lorsque la Douane fait usage de ce droit, elle est tenue de faire connaître cette intention dans les trois jours, et, dans ce cas, le paiement du prix de la marchandise déclaré par l'importateur,

majoré de $10^0/_0$, ainsi que le remboursement des droits quelconques qui auraient été perçus sur la dite marchandise, seront effectués dans les quinze jours qui suivront la déclaration.

Art. 19.

Les marchandises introduites en contrebande, les navires, lorsqu'ils sont spécialement affrétés dans un but de contrebande, ainsi que tous les autres moyens de transport et tous instruments de contrebande, seront passibles de confiscation au profit du Trésor, sans préjudice des droits de douane perçus ou dus dans le cas spécial et des amendes prévues par les règlements douaniers, pourvu que le délit soit dûment et légalement prouvé et que la décision de la Commission douanière soit communiquée sans délai à l'autorité consulaire française dont dépend le propriétaire des marchandises saisies. || La partie intéressée pourra, dans le délai de quinze jours, à compter du jour de la remise de la copie à l'autorité consulaire, faire opposition. Cette opposition sera portée devant la Chambre commerciale du Tribunal mixte. || Tant qu'il n'aura pas été rendu de décision définitive, il ne pourra être disposé des marchandises saisies au profit du fisc égyptien ni des moyens de transport et instruments de contrebande. || La Douane pourra néanmoins procéder à la vente des marchandises et articles sujets à dépérissement. Le prix en provenant sera conservé en dépôt dans ses caisses jusqu'à ce qu'une décision définitive soit intervenue. || Si l'Administration douanière égyptienne croyait devoir ne pas laisser passer des marchandises qu'elle considérerait comme appartenant à la catégorie des articles prohibés et que des Français auraient importées par la voie régulière, elle fera immédiatement connaître par écrit, au Ministère égyptien des Affaires Étrangères, ainsi qu'à l'autorité consulaire française, les motifs du refus de livrer les marchandises. || Le Ministère égyptien des Affaires Etrangères, après entente avec l'autorité française, décidera, s'il y a lieu, de confirmer le refus de la Douane et, dans ce cas, le ressortissant français sera tenu de réexporter les marchandises sans aucun délai; dans le cas contraire, l'Administration laissera passer librement les marchandises après avoir perçu les droits règlementaires. Jusqu'à ce qu'une décision soit prise, les marchandises arrêtées resteront en dépôt à la Douane qui en sera responsable vis-à-vis de l'importateur.

Art. 20.

En cas de soupçon de contrebande, les agents des Douanes Egyptiennes pourront aborder et saisir tout navire d'un tonnage de moins de 200 tonneaux, dans un rayon de dix kilomètres de la côte en dehors des

eaux d'un port égyptien; de plus, tout navire français de moins de 200 tonneaux pourra être arrêté et saisi au-delà de cette distance, si la poursuite non interrompue a été commencée dans un rayon de dix kilomètres du littoral. || Procès-verbal du fait sera dressé avec le capitaine et copie de ce procès-verbal sera, sans délai, communiquée au Consulat de France. || Excepté dans les cas prévus dans les alinéas précédents de cet article et dans les alinéas 4 et 5 de l'art. 16, aucun navire français ne pourra être abordé par les agents des Douanes égyptiennes. || Il est entendu que le Gouvernement égyptien pourra, sans notification aux Autorités Consulaires françaises, placer des gardes à bord de tout navire français dans un port égyptien ou transitant par le Canal de Suez; cette mesure ne devra néanmoins causer ni frais, ni retard aux bâtiments auxquels elle serait appliquée. || Si la Douane égyptienne a des raisons sérieuses pour présumer l'existence d'articles introduits en contrebande dans des endroits quelconques des districts frontières ou du Canal de Suez, elle pourra procéder, dans les magasins ou demeures, à toute perquisition immédiate qu'elle jugera nécessaire. Un double de l'ordre de perquisition sera envoyé à l'autorité consulaire, qui devra assister à la perquisition ou s'y fera représenter sans occasionner aucun retard. || La stipulation de l'alinéa précédent ne sera pas applicable dans le cas où la perquisition doit être faite dans un magasin indépendant du domicile ou dans des locaux servant exclusivement d'entrepôt ou de dépôt de marchandises. Dans ce cas, il suffira qu'un avis préalable de la visite soit donné au propriétaire ou à son représentant ou, à défaut, à l'autorité consulaire. || Dans tous les cas où l'autorité consulaire n'assisterait pas à la perquisition, un procès-verbal devra être dressé et la copie en devra être communiquée sans délai au Consulat de France. || Dans le cas où la Douane procéderait à des perquisitions sans l'assistance consulaire et qu'elle n'aurait pas constaté un délit de contrebande, elle sera responsable, indépendamment des conditions prévues par l'article 213 du Code Civil Mixte, de tout dommage matériel qu'elle aurait occasionné à la propriété. || En cas de contestation, l'appréciation du fait et l'évaluation du dommage appartiendront à la juridiction mixte. || Les perquisitions ne pourront être opérées qu'à partir du lever et jusqu'au coucher du soleil.

Art. 21.

Le Gouvernement de la République Française accepte l'application à ses ressortissants et à son commerce, à partir de l'entrée en vigueur de la présente convention, du Règlement douanier ci-annexé. || Il demeure entendu qu'il ne pourra, pendant toute la durée de la Convention, être apporté aucun changement aux articles 2, 8, 11, 12, 15, 17, 18, 19, 27,

et 33 à 41 ainsi qu'au dernier paragraphe de l'art. 5 du Règlement douanier si ce n'est avec le consentement de l'Agent et Consul Général de France. || Toute facilité que le Gouvernement Egyptien pourrait accorder dans l'avenir, par rapport à ses règlements douaniers, aux ressortissants, aux bâtiments, à la navigation et au commerce de toute autre puissance étrangère, est acquise aux ressortissants, aux bâtiments, à la navigation et au commerce de la France qui en auront de droit la jouissance.

Art. 22.

Les stipulations de la présente Convention ne s'appliquent pas: || 1° aux arrangements spéciaux actuels ou qui pourraient intervenir ultérieurement, soit entre l'Egypte et les autres parties de l'Empire Ottoman placées sous l'administration directe de la Sublime Porte, soit entre l'Egypte et la Perse. || 2° aux dispositions que pourrait prendre le Gouvernement Egyptien pour l'échange des marchandises indigènes ou étrangères avec les provinces soudanaises.

Art. 23.

Il est entendu que les marchandises venant de la Turquie qui, y ayant acquitté les droits d'importation, sont accompagnées d'acquits de Douane turque (Raftiehs), ne seront, en aucun cas, astreintes à un second paiement de droits d'entrée en Egypte, sauf le paiement de la différence en plus, dans le cas où les droits d'entrée en Egypte seraient supérieurs aux droits acquittés en Turquie.

Art. 24.

Les stipulations de la présente Convention s'appliquent à la France, à l'Algérie, aux Colonies et Possessions françaises, aux pays de protectorat de l'Indo-Chine et de la Tunisie.

Art. 25.

Les modifications apportées au présent tarif de droits égyptiens par l'article 6, n'entreront en vigueur que lorsque les dites modifications deviendront également applicables à tous les autres pays. || Dans l'intervalle, les marchandises françaises seront traitées, à leur entrée en Egypte, sur le pied de la nation la plus favorisée et les importations françaises ne seront, dans aucun cas, assujetties à des droits supérieurs à ceux fixés à l'article 6.

Art. 26.

La présente Convention entrera en vigueur après l'échange des ratifications et aura force et valeur pendant vingt et un ans. Un an avant l'expiration de la septième et de la quatorzième année, chacune des Parties

Contractantes aura la faculté de notifier à l'autre son intention de réviser ce traité afin d'y introduire, d'un commun accord, les modifications suggérées par l'expérience. || En outre, le Gouvernement Français se réserve de notifier, à toute époque, au Gouvernement Égyptien, son intention de mettre fin, à l'expiration du douzième mois qui suivra cette notification, aux stipulations du présent traité, en vertu desquelles le traitement de la nation la plus favorisée est assuré, de part et d'autre, à limportation, aux marchandises des deux Pays. || Dans ce cas, les marchandises égyptiennes seraient soumises en France au tarif général et l'article 6 de la présente Convention, applicable aux marchandises françaises entrant en Égypte, pourrait être suspendu. || La présente Convention ne touche pas aux dispositions des Capitulations et autres Traités existants, en tant que ces dispositions ne se trouvent pas en contradiction avec la présente Convention.

Fait en double, au Caire, le vingt-six novembre mil neuf cent deux.

Signé: Boutros Ghali.
Signé: Cogordan.

Annexe No. 1.

Procès-Verbal.

Au moment de signer la Convention commerciale conclue à la date de ce jour entre la France et l'Égypte, les soussignés sont convenus des dispositions suivantes:

I.

Les bâtiments des Compagnies françaises de navigation qui entretiennent des communications régulières avec l'Égypte, ainsi que tous les navires français d'un tonnage supérieur à quatre cents tonneaux, auront, sans accomplissement préalable d'aucune formalité, le droit d'exercer le cabotage en Égypte.

II.

En ce qui concerne le commerce avec les provinces soudanaises, les ressortissants de la République Française et les marchandises françaises jouiront de tous les avantages qui sont ou seront accordés aux ressortissants de la nation la plus favorisée ou aux indigènes les plus favorisés ainsi qu'aux marchandises étrangères ou indigènes les plus favorisées.

III.

En ce qui concerne la perquisition dans les magasins ou demeures sis dans les districts des frontières ou sur le Canal de Suez, telle qu'elle

est prévue et réglementée par le § 5 de l'article 20 de la Convention, si quatre heures après la remise du double de l'ordre de perquisition, l'autorité consulaire ne s'est pas fait représenter, elle sera considérée comme voulant s'abstenir et les agents de la Douane sont autorisés à procéder à la perquisition. || Dans les localités des districts frontières ou du Canal de Suez situées à plus d'une heure de distance du siège d'une autorité consulaire, les agents de la douane ne pourront procéder à une perquisition qu'en présence de deux témoins de nationalité française ou, à défaut, en présence de deux témoins étrangers.

IV.

Un exemplaire du tarif actuellement en vigueur des droits de factage à Alexandrie a été communiqué à M. Cogordan, par S. E. Boutros Ghali pacha. Il a été convenu que pendant toute la durée de la Convention commerciale en date de ce jour, les droits portés à ce tarif ne pourront être majorés que d'accord avec l'Agent diplomatique de France.

V.

La Convention commerciale en date de ce jour dispose formellement que le tabac sous toutes ses formes est exclu des stipulations de l'arrangement. || Toutefois, pendant tout le temps que la Convention sera en vigueur, les cigares de fabrication française et les tabacs français accompagnés de certificats d'origine seront admis à l'importation en Égypte, aux mêmes conditions et moyennant le paiement des mêmes droits qui sont ou seront appliqués aux cigares et aux tabacs dont l'introduction est ou serait ultérieurement autorisée par suite d'arrangements spéciaux. || En aucun cas et pour quelque motif que ce soit, pendant toute la durée de la susdite Convention, les cigares et tabacs français en Egypte ne seront traités moins favorablement que ceux provenant de tout autre pays. || De même, pendant la durée de la Convention, tous avantages qui viendraient à être ultérieurement concédés à n'importe quelle autre puissance en ce qui concerne le tombac, le sel, le salpêtre, le natron et le hachiche, seraient acquis de plein droit sans compensation ou autre condition quelconque au commerce et aux ressortissants français. || Il est entendu que les règlements édictés ou à édicter par le Gouvernement relativement au commerce de ces divers produits seront applicables aux ressortissants français qui, en aucun cas, ne pourront être soumis à un traitement moins favorable que les sujets locaux et les étrangers les plus favorisés. || Les dispositions de la Convention commerciale de ce jour concernant les perquisitions s'appliquent également à ces articles.

VI.

Les échantillons de vin français d'une contenance inférieure à 50 centilitres seront admis en Égypte en franchise de douane à la condition qu'il s'agisse réellement d'échantillons proprement dits, c'est-à-dire représentant des vins d'espèce différente et destinés à la dégustation.

VII.

Les graines de vers à soie d'origine française et provenant de France seront admises en franchise de douane en Égypte.

VIII.

Les livres français envoyés de France en Égypte par colis postaux ou par la poste sont exempts de droits de douane.

IX.

Le Gouvernement égyptien maintiendra l'immunité douanière pour les effets et objets appartenant aux maisons religieuses des différents cultes, aux couvents et établissements de bienfaisance ou d'éducation existant en Égypte sous la protection consulaire de la France, dans les conditions établies par l'art. IX du règlement douanier ci-annexé.

X.

Les bâtiments qui naviguent sous le pavillon de Jérusalem jouissent du même traitement que les bâtiments français dans les eaux et ports d'Égypte.

XI.

Les sacs, plis de lettres et imprimés destinés à la poste française sont exemptés de la visite de douane pourvu qu'ils soient portés sur une feuille de route régulière et que les scellés soient intacts.

Signé: Boutros Ghali.
„ Cogordan.

Annexe No 2.

Ministère
des
Affaires Étrangères.

Le Caire, le 26 Novembre 1902.

Monsieur le Ministre, || Le procès-verbal annexé à la Convention signée le 19 juin 1892 entre l'Allemagne et l'Egypte porte un passage ainsi conçu: || § 6 „La perquisition à bord des bâtiments de commerce

telle qu'elle est prévue et réglementée par les §§ 3 et 4 de l'Article 16 de la Convention ne pourra être, en aucun cas, ni retardée ni entravée par l'abstention de l'Autorité Consulaire.“ || Vous avez désiré que cette disposition qui vous paraît superflue ne fût pas reproduite dans les arrangements signés aujourd'hui entre la France et l'Egypte. Le Gouvernement Egyptien y consent volontiers, mais à la condition que cette suppression ne puisse pas être interprêtée comme impliquant que nos deux Gouvernements ont entendu modifier en quoi que ce soit le sens et la portée des §§ 4 et 5 de l'Article 16 de la Convention de ce jour, dont le texte est identique à celui du même article de la Convention conclue entre l'Allemagne et l'Egypte. || Veuillez agréer, Monsieur le Ministre, les assurances de ma haute considération.

Signé: Boutros Ghali.

Monsieur Cogordan,
Ministre Plénipotentiaire de France.

Annexe No 3.

Agence
et
Cousulat Géneral de France
en Égypte.

Le Caire, le 26 Novembre 1902.

Monsieur le Ministre, || J'ai l'honneur d'accuser réception à Votre Excellence de sa lettre de ce jour concernant la disposition qui fait l'objet du § 6 du procès-verbal annexé à la Convention conclue entre l'Allemagne et l'Égypte le 19 juin 1892, et qui n'a pas été reproduite dans les arrangements signés aujourd'hui entre la France et l'Égypte. || En vous donnant acte de cette communication, je suis en mesure de vous déclarer que le Gouvernement de la République partage entièrement sur ce point votre manière de voir. || Veuillez agréer, Monsieur le Ministre, les assurances de ma haute considération.

Signé: Cogordan.

Son Excellence Boutros Ghali Pacha,
Ministre des Affaires Étrangères.

Annexe No 4.

Ministère
des
Affaires Étrangères.

Le Caire, le 26 Novembre 1902.

Monsieur le Ministre, || Au cours des négociations qui ont abouti à la conclusion d'une convention commerciale entre la France et l'Egypte, vous m'avez exprimé le désir d'être renseigné sur le montant des droits de quai, afin d'être fixé sur les charges qu'auront à supporter les mar-

chandises françaises. || Ainsi que j'ai eu l'honneur de vous le faire connaître les droits de quai à Alexandrie sont établis et fixés par le Décret du 22 Septembre 1880. || En ce qui concerne Port-Saïd, si les droits de quai n'y sont pas actuellement perçus, c'est que le port n'est pas encore aménagé pour le commerce; mais le Gouvernement se propose de les y établir aussitôt que, par l'exécution des travaux projetés, le port de cette ville sera en état de satisfaire aux besoins du commerce. Ces droits seront établis de manière à assurer un traitement égal à toutes les marchandises arrivant dans le pays ou en sortant, soit par la voie de Port-Saïd, soit par la voie d'Alexandrie, et leur montant n'excédera pas 7 pour mille *ad valorem* sur les importations et $4^1/_2$ pour mille *ad valorem* sur les exportations. Je vous réitère l'assurance que, pendant toute la durée de la convention commerciale en date de ce jour, les droits de quai établis comme ci-dessus, ne pourront être majorés que d'accord avec l'Agent et Consul Général de France. || Veuillez agréer, Monsieur le Ministre, les assurances de ma haute considération.

Signé: Boutros Ghali.

Monsieur Cogordan,
Ministre Plénipotentiaire de France.

Annexe No 5.

Agence
et
Consulat Général de France
en Égypte.

Le Caire, le 26 Novembre 1902.

Monsieur le Ministre, || J'ai reçu la lettre que Votre Excellence m'a fait l'honneur de m'écrire à la date de ce jour pour me donner l'assurance que les droits de quai existant actuellement à Alexandrie et ceux qui pourront être établis à Port-Saïd, après l'exécution des travaux projetés dans ce port, ne pourront être élevés, les premiers au-dessus de leur montant actuel, les seconds au-dessus de $7^0/_{00}$ à l'importation et de $4^1/_2{}^0/_{00}$ à l'exportation sans l'assentiment de l'Agent Diplomatique de France. Je prends acte de cette déclaration et vous prie d'agréer, Monsieur le Ministre, les assurances de ma haute considération.

Signé: Cogordan.

Son Excellence Boutros Ghali Pacha,
Ministre des Affaires Étrangères.

Annexe No 6.

Tableau Annexé à l'Article 12.

Chapitre I.

Est permise l'importation des armes de chasse et de luxe, ainsi que des armes de commerce, des munitions et du matériel ci-dessous spécifiés.

Première Catégorie

Armes importables.

1⁰ Les fusils à âme lisse et les mousquetons de chasse, systèmes Lefaucheux, Lancaster et autres, à un ou deux coups, se chargeant par la bouche, à la condition que le diamètre de la bouche ne dépasse pas 20 millimètres. || Mais il est permis aux voyageurs d'importer des fusils rayés et leurs cartouches pourvu qu'ils signent une déclaration par laquelle ils reconnaîtront que ces fusils sont pour leur propre usage et que la vente en est défendue. || Toute contravention à l'une ou l'autre des conditions de cet engagement entraînera, de plein droit, la confiscation du fusil. || 2⁰ Les armes de luxe, savoir: les armes antiques, ainsi que les fusils, carabines, mousquetons, revolvers et pistolets de toute longueur dont la crosse, le chien ou le canon sont essentiellement enrichis d'or ou d'argent ou ciselés artistement. Pour que les armes de luxe, à l'exception des armes antiques, soient admises, le prix de vente ne devra pas être inférieur à 500 francs par arme pour les fusils, carabines et mousquetons; à 200 francs pour les revolvers, et à 80 francs pour les pistolets. Il est entendu que les armes dont l'introduction est admise en vertu des autres dispositions de ce tableau ne sauraient être considérées comme armes de luxe et interdites sous prétexte que leur valeur est inférieure aux prix fixés. || Les personnes qui importent des armes de luxe seront admises à importer en même temps cent cartouches, chargées à petit plomb, pour chaque fusil, carabine ou mousqueton; toutefois le prix des cartouches n'est pas compris dans la valeur fixée pour ces armes. || 3⁰ Les fusils, carabines et pistolets dits Flobert et les armes semblables de petit calibre, ainsi que celles à spirale dites de salon. || 4⁰ Les sabres dont la poignée ou la lame est essentiellement enrichie d'or ou d'argent ou ciselée artistement. Les épées et lames d'épées, fleurets d'escrime et couteaux de chasse. || N.B. Tout voyageur muni de passeport ou teskéré en règle ne pourra importer qu'un seul pistolet-revolver ou une paire de pistolets de n'importe quelle sorte, plus cent cartouches chargées au maximum.

Deuxième Catégorie

Matériel importable.

Toutes sortes de parties de fusils, de revolvers, de pistolets, d'armes blanches et d'autres armes importables; crosses, platines, cheminées, gachettes, sous-gardes, ressorts, canons ouvrés ou demi-ouvrés et semblables parties d'armes et tout accessoire ou objet nécessaire à l'usage de ces armes.

Troisième Catégorie

Munitions importables.

Cartouches chargées et douilles de cartouches non chargées pour les armes comprises dans les paragraphes 1, 2 et 3. || L'importation de cartouches de fusils de guerre de quelque modèle que ce soit est interdite.

Chapitre II.

Toutes les armes dont l'importation est admise seront, après vérification de la Douane, sans délai, ni frais pour le propriétaire, à son choix, et par les soins de cette administration, munies d'une ficelle plombée ou poinçonnées.

Chapitre III.

L'introduction de toutes armes *ou parties d'arme*, de tout matériel d'arme, de toutes munitions non mentionnés dans le présent tableau, de toute sorte de poudre, ainsi que de toutes les compositions qui ont la même destination ou qui, inventées plus tard, pourraient produire les mêmes effets que la poudre, telles que la dynamite, la poudre-coton dite fulmi-coton et coton azotique, la nitro-glycérine, les picrates et fulminates, les mèches à mines et autres matières fulminantes de ce genre, du salpêtre raffiné et non raffiné et du chlorate de potasse, est interdite. || Toutefois, la défense d'importer des matières explosives n'emporte pas prohibition d'importation et de vente des produits qui, en vertu de leur composition, sont explosifs dans certaines conditions ou qui peuvent servir à la fabrication de matières explosives, comme, par exemple, le soufre, l'éther, le nitrate de soude. Elle doit seulement empêcher l'introduction de matières qui sont destinées à être exclusivement ou au moins principalement employées comme poudres à carrière ou pour des usages analogues.

Signé: Boutros Ghali.
„ Cogordan.

Annexe No. 7.

Règlement de Police

(*Voir article 12 de la Convention.*)

Article Premier.

Le commerce des armes, des munitions, du matériel et des matières explosives, dont l'importation est admise par la présente Convention, ne pourra être exercé que par les personnes dûment autorisées par le Gouvernement, et dans les magasins désignés dans l'autorisation. || Cette autorisation est personnelle, et elle devient nulle si elle est cédée à un tiers.

Art. 2.

La Police peut saisir toutes armes importées, alors même qu'elles auront été marquées ou poinçonnées par les Autorités Gouvernementales Égyptiennes, si elle les trouve en vente dans d'autres magasins ou boutiques que ceux établis suivant l'article précédent.

Art. 3.

Le propriétaire d'un établissement autorisé aux termes de l'art. 1er, à vendre les armes y mentionnées, devra tenir deux livres; l'un, contenant l'inscription par numéros d'ordre, de toutes les armes mises en vente, avec désignation du prix, de leur provenance, et de tous les détails nécessaires; l'autre, relatant toutes les ventes effectuées, avec indication de l'espèce de l'arme vendue, du numéro d'inscription, des nom, prénom, domicile et profession de l'acheteur, et du prix. || Ces deux livres, avant d'être mis en usage, devront être paraphés à chaque feuillet, par le Gouverneur ou le Moudir. Il seront tenus à la disposition de la Police qui aura le droit, à tout moment, de les inspecter.

Art. 4.

Nul ne pourra transporter d'un endroit à un autre, une quantité d'armes excédant celle qui lui est nécessaire pour son propre usage, sans une autorisation spéciale du Gouverneur ou du Moudir, et, si le transport doit avoir lieu d'une ville à une autre ou d'un village, on indiquera dans la permission, le nombre et la nature des armes, ainsi que la personne à laquelle elles sont destinées.

Art. 5.

Toute infraction aux art. 2 et 3 entraînera le retrait de l'autorisation de vente. || Le retrait de l'autorisation pourra également être prononcé,

mais seulement après un avertissement, si une fausse inscription vient à être découverte sur les livres prescrits. ‖ Dans aucun de ces cas, le propriétaire ne pourra avoir droit à indemnité ou élever une réclamation quelconque contre le Gouvernement.

Art. 6.

Les armes transportées sans la permission requise par l'art. 4, seront saisies et confisquées administrativement.

Art. 7.

Les officiers ou agents de la Police spécialement désignés à cet effet, sont autorisés à entrer, en tout temps, dans les établissements dont s'agit, pour y examiner les livres sus-indiqués, les vérifier, s'assurer que toutes les prescriptions de ce règlement sont observées, et procéder à toute constatation ayant trait à la vente des armes.

Art. 8.

Toutes les prescriptions des art. 2, 3, 4, 5 et 6 s'appliquent également à la vente et au transport des munitions, du matériel et des matières explosives.

Dispositions finales.

Art. 9.

Toute personne qui exerce actuellement le commerce des armes, des munitions, du matériel et des matières explosives dont il est fait mention à l'art. 1er, devra, dans le délai d'un mois à partir de la publication du présent règlement, en faire la déclaration au Gouverneur ou au Moudir, en indiquant le magasin dans lequel ces objets sont mis en vente. ‖ Elle devra, en outre, dans le même délai, se munir des livres prescrits par l'art. 3.

Art. 10.

Il est absolument défendu d'avoir dans la Province-Frontière, des dépôts d'armes ou autres objets indiqués à l'article précédent. ‖ L'Autorité de Police aura, dans cette province, le droit de faire des visites domiciliaires, dans les formes prévues dans la Convention et le procès-verbal y annexé pour les perquisitions faites dans la ligne douanière, de saisir et de confisquer les armes et les autres objets désignés ci-dessus.

Signé: Boutros Ghali.
„ Cogordan.

Annexe No. 8.

Règlement Douanier

Titre I.

Dispositions générales.

Article premier.

Ligne douanière.

Le littoral de la mer, et les frontières touchant aux territoires des Etats voisins, forment la ligne douanière.

Art. 2.

Zone de surveillance.

Le dépôt et le transport des marchandises qui ont franchi la ligne douanière sont soumis à la surveillance des agents de la Douane jusqu'à la distance de 2 kilomètres de la frontière de terre ou du littoral de la mer, ainsi que des deux rives du Canal Maritime de Suez et des lacs que ce Canal traverse. || En dehors de ces limites, le transport des marchandises peut être effectué librement; néanmoins, les marchandises soustraites frauduleusement, et tenues à vue par des agents de la force publique, peuvent être saisies même après qu'elles ont franchi la zone de surveillance. || Peuvent également être saisies sur toute l'étendue du territoire égyptien: les marchandises prohibées, celles dont la vente est monopolisée par l'Etat, ainsi que les tabacs ou tombacs circulant en contravention aux règlements. || Pour les navires, la zone de surveillance s'étend à une distance de 10 kilomètres du littoral. Les caravanes traversant le désert, et soupçonnées de faire un trafic illicite, sont soumises aux visites et vérifications de la Douane.

Art. 3.

Passage par la ligne douanière.

Les marchandises ne peuvent franchir la ligne douanière pendant la nuit, c'est-à-dire entre le coucher et le lever du soleil. || Sur toute l'étendue de la ligne douanière maritime, l'entrée dans les ports et l'accostage au littoral sont permis pendant la nuit, là où il existe des bureaux de Douane, mais aucune opération de débarquement, transbordement ou embarquement, ne peut être faite sans une autorisation spéciale, et par écrit, du Chef de la Douane.

Art. 4.

Embarquement, débarquement et transbordement des marchandises.

Aucune opération de chargement, débarquement et transbordement des marchandises, ne peut être effectuée sans l'autorisation préalable de la Douane, et hors de la présence de ses agents. || Toute opération d'embarquement, de débarquement ou de transbordement, doit être effectuée aux endroits spécialement affectés à cet usage par l'Administration des Douanes. || La Douane pourra permettre, exceptionnellement, que le débarquement ou le transbordement des marchandises ait lieu sans l'assistance des agents douaniers. || Dans ce cas, il en fera mention par une annotation sur la copie du manifeste.

Art. 5.

Permis de départ, dit Tamkin.

Les capitaines doivent, avant le départ, présenter à la Douane le manifeste des marchandises chargées à leur bord. Ce n'est qu'après l'accomplissement de cette formalité que la Douane autorisera l'Administration du Port à accorder le Tamkin. || Il est défendu à tout commandant de navire de quitter le port ou la rade sans Tamkin. || La Douane a la faculté de faire accorder le Tamkin, même avant la présentation du manifeste, aux navires représentés par un agent dans le port de départ, pourvu que cet agent ait déposé à la Douane un engagement par écrit de satisfaire à cette formalité dans un délai de trois jours. || Les compagnies de navigation à vapeur pourront, en vue de jouir de cette facilité, se constituer garantes, une fois pour toutes et par acte notarié, pour toutes contraventions qu'encourraient les capitaines conduisant leurs navires.

Art. 6.

Déclaration.

Toute opération douanière doit être précédée d'une déclaration signée par le propriétaire de la marchandise ou par son représentant. || La Douane considérera comme représentant légitime du propriétaire la personne munie de l'ordre de livraison de la compagnie de transport. (Voir articles 19 et 20.)

Art. 7.

Visite.

Aussitôt la déclaration présentée à la Douane, il est procédé à la vérification des marchandises. La Douane a le droit de visiter tous les colis, mais suivant les circonstances, le Directeur, s'il le juge à propos, pourra exempter de la visite les colis dont le contenu déclaré ne lui paraîtrait pas devoir être soumis à la vérification. || Il ne pourra cependant

être visité moins d'un colis sur dix, sauf une autorisation contraire spéciale du Chef de la Douane. || Si, après une première vérification, et même après le paiement des droits, des contre-vérifications sont jugées nécessaires, la Douane est toujours en droit d'y faire procéder. || Les colis seront ouverts pour la visite par les préposés de la Douane, en présence des intéressés; l'opération se fera, soit dans les magasins de la Douane, soit dans ses bureaux. || En cas de soupçons de fraude, la Douane procédera d'office, si l'intéressé, ou à défaut l'autorité consulaire, dûment avisé au moins quatre heures à l'avance ne se présente pas, à l'ouverture des colis, en dressant procès-verbal. || Les marchandises qui ne seront pas placées dans les magasins, soit à cause de leurs dimensions, soit en raison de leur nature encombrante, pourront être visitées au dehors. || Les sacs, plis de lettres et imprimés apportés par les services postaux de terre et de mer sont exemptés de la visite, pourvu qu'ils soient portés sur une feuille de route régulière. || Par contre, tous les colis postaux sont soumis à la visite et à la vérification; à moins de soupçons de fraude, cette vérification sera seulement sommaire et pourra ne porter que sur un certain nombre de colis à déterminer par le Chef de la Douane.

Art. 8.

Droits à percevoir, privilège et garantie du Trésor.

Les droits d'importation et d'exportation sont perçus conformément aux traités et conventions en vigueur. || En outre, il sera perçu des droits de quai et de factage et s'il y a lieu des droits d'entrepôt, de dépôt, d'écluse, de Tamkin, de plombage, de Raftieh et de Kechf, etc., en vertu des règlements actuellement en vigueur. Le paiement des droits se fait au comptant, en monnaie d'or ou d'argent, d'après le tarif du Gouvernement, excepté le cas où il se fait en nature. || Aucune marchandise n'est délivrée avant que les droits dont elle est passible aient été dûment acquittés. || Les marchandises arrivées en Douane pour n'importe quelle destination servent de garantie à l'Administration, par privilège, pour le paiement des droits, frais et amendes de toute nature, dus par le destinataire, à raison de ces marchandises.

Art. 9.

Franchise.

Sont exemptés de la vérification et du paiement des droits d'entrée et sortie: || 1° Les objets et effets personnels appartenant à Son Altesse le Khédive; || 2° Les objets d'usage et effets personnels appartenant aux titulaires ou gérants d'une Agence Diplomatique d'un Consulat général, d'un Consulat ou d'un Vice-Consulat lorsqu'ils sont de carrière (*missi*) et

qu'ils n'exercent aucune autre profession, ne s'occupent ni de commerce ni d'industrie et ne possèdent ni n'exploitent de biens-fonds en Egypte. || La même franchise est accordée dans chaque Agence Diplomatique à deux officiers de cette Agence et dans chaque Consulat à un officier de ce Consulat à la demande de l'Agent Diplomatique ou du Consul, à la condition toutefois que ces officiers appartiennent à la catégorie des fonctionnaires qui sont nommés par Décret souverain et auxquels le commerce est absolument interdit. || Sont exemptés des droits d'entrée et de sortie, mais assujettis à la visite et à la vérification, les effets et objets appartenant aux maisons religieuses des différents cultes, aux couvents et établissements de bienfaisance ou d'éducation. || Ces établissements devront, au commencement de chaque année, remettre à la Douane, par l'entremise de leur Autorité Consulaire ou autre, un état énonçant approximativement les objets qu'ils comptent importer dans le courant de l'année, et la valeur de ces objets. || La franchise sera suspendue jusqu'à l'année suivante lorsque la valeur totale énoncée sur cet état sera atteinte. || Cette franchise pourra être retirée si la Douane constate qu'il en est fait abus. || Dans ce cas, avis préalable à cet effet devra être donné à l'Autorité Consulaire ou autre dont relève l'établissement intéressé. || Sont également exemptés des droits d'entrée et de sortie, mais demeurent assujettis à la visite et à la vérification: || 1° Les effets, meubles, livres et autres objets à l'usage privé, appartenant aux personnes qui viennent s'établir pour la première fois dans le pays. Ces articles devront cependant porter trace de l'usage, sous peine d'être soumis au paiement des droits réglementaires. En cas de contestation, il sera procédé par voie d'expertise; || 2° Les effets personnels apportés par les voyageurs et destinés à leur usage; || 3° Les échantillons, lorsqu'ils ne sont pas de nature à être vendus comme marchandises; || 4° Les échantillons des produits du sol égyptien dont la valeur ne dépasse pas 100 piastres; || 5° Le numéraire (or ou argent); || 6° L'or et l'argent en barres; || 7° Les marchandises appartenant aux Administrations du Gouvernement et aux particuliers, jouissant de la franchise, soit en vertu d'ordres ou d'arrangements spéciaux; || 8° Les objets destinés à l'approvisionnement des navires de guerre des Puissances amies ainsi que les provisions et les munitions destinées à l'usage des navires de commerce et de leurs équipages. || Toute demande d'introduction ou d'exportation en franchise des droits doit être adressée à la Douane et porter les indications suivantes: 1° la nature des objets; 2° leur valeur; 3° les marques et numéros; 4° le nom du navire qui a importé ou qui doit exporter. || L'obtention de la franchise est subordonnée à la condition que le connaissement porte le nom de celui qui a droit à la franchise;

s'il était libellé au nom d'un tiers, ou simplement à ordre, la Douane ne pourrait accorder la franchise. || La demande en exemption doit être signée par le destinataire, ou par l'expéditeur s'il s'agit de droits d'exportation.

Art. 10.

Marchandises provenant de naufrages.

Les marchandises provenant d'un navire naufragé ne sont soumises à aucun droit de douane si elles ne sont pas destinées à un port égyptien, et elles peuvent être réexportées en franchise aussitôt que les formalités concernant l'avarie sont terminées. || Ces marchandises sont assujetties aux droits règlementaires selon la valeur qu'elles ont dans l'état avarié, si elles sont employées à la consommation entièrement intérieure.

Art. 11.

Bulletin de sortie par les portes de la Douane, Kechf.

Après l'accomplissement des formalités de douane et l'acquittement des droits, il est délivré au dédouaneur de la marchandise un permis de passage par les portes de la Douane. || Sur la demande de l'importateur, et sur la présentation du reçu du caissier de la Douane, il est délivré à l'intéressé une note détaillée, ou Kechf, des marchandises qui ont acquitté les droits. || La présentation du Kechf est indispensable pour réexporter, en franchise de droits, une marchandise d'origine étrangère et établir le droit au remboursement de la différence entre les droits d'importation et ceux d'exportation, si la réexportation se produit dans les six mois de la date du retrait de la marchandise, date qui sera constatée sur le Kechf. || La Douane ne délivre pas de Kechf pour les marchandises sujettes à dépérissement ou détérioration. (Voir art. 20.) || Le Kechf n'est délivré qu'une seule fois, sauf le cas de perte dûment prouvée, où il peut être renouvelé.

Art. 12.

Importation des produits originaires d'Egypte et exportation des produits originaires de l'étranger.

Si un produit du pays, après avoir été exporté à l'étranger, est rapporté en Egypte, il sera soumis au paiement du droit d'importation établi sur les produits étrangers. || De même, si une marchandise d'origine étrangère est exportée à nouveau, elle est soumise au paiement du droit de sortie établi sur les produits du pays, à moins qu'elle ne soit accompagnée d'un Kechf établissant clairement son identité et la date de l'acquittement des droits d'importation; dans ce cas, elle jouit de la franchise à l'exportation. || Si cette exportation est faite avant qu'un délai de six mois

ne soit écoulé, le remboursement de la différence entre le droit d'importation et le droit d'exportation peut être exigé. Mais dans l'un et l'autre cas, la présentation du Kechf est indispensable, comme il est dit à l'art. 11.

Art. 13.

Retrait des marchandises de la Douane, dédouaneurs autorisés.

Les marchandises peuvent être retirées de la Douane, après l'accomplissement des formalités par les personnes munies de l'ordre de livraison émanant des capitaines des consignataires des navires, ou des compagnies de navigation. || Cependant, les dédouaneurs de profession ne seront admis à retirer les marchandises arrivant pour le compte de tiers que s'ils remplissent les conditions suivantes: || 1° Aucun dédouaneur ne peut exercer sa profession sans être agréé par l'Administration des Douanes; || 2° Toute demande à cette fin doit être faite par écrit, et accompagnée d'un certificat d'honorabilité émanant de deux négociants-notables d'une honorabilité reconnue; || 3° Si ce certificat est jugé suffisant, le postulant est agréé et il lui est délivré un permis en conséquence; || 4° Si la recommandation est considérée comme insuffisante, l'Administration peut exiger du candidat, soit le dépôt d'une somme de 2000 P. T. à 10000 P. T., soit une caution donnée par deux négociants agréés par l'Administration; || 5° Le dépôt ou la caution garantissent à l'Administration le paiement des amendes encourues par le dédouaneur, en raison des contraventions qui viendraient à être constatées à sa charge; || 6° Tout dédouaneur peut être suspendu par le Directeur Général des Douanes pour un temps déterminé, suivant la gravité de la faute ou de l'irrégularité commise dans l'exercice de sa profession, et ce sans préjudice du paiement des amendes encourues. Pour la première fois, la suspension ne peut excéder six mois. Elle peut être d'une année s'il y a récidive. Avis motivé de la mesure disciplinaire est donné par écrit à l'intéressé; || 7° Les personnes au service permanent de tiers sont passibles des mêmes amendes et mesures disciplinaires que les dédouaneurs de profession. Toutefois, le chef de la maison intéressée devra recevoir un avis préalable et être mis en mesure de fournir, s'il y a lieu, des explications utiles.

Titre II.

Importation et transport des marchandises d'une Douane à une autre.

Art. 14.

Présentation des marchandises aux Douanes de terre.

Les marchandises à introduire par voie de terre doivent être présentées au bureau de douane le plus voisin de la frontière. || Si le bureau

est en dedans de la ligne, les marchandises doivent parcourir la route usitée sans aucune déviation. || Si le bureau le plus voisin n'a pas la possibilité de les recevoir, elles continuent leur route jusqu'au bureau le plus voisin pouvant les recevoir, mais les conducteurs doivent se munir, au premier bureau, d'un avis indiquant qu'ils s'y sont présentés et ont soumis leurs marchandises à une visite sommaire. || Si le bureau le plus voisin n'est pas éloigné de plus de dix kilomètres, les marchandises doivent être escortées par les agents douaniers.

Art. 15.
Manifeste de cargaison.

Dans les trente-six heures de l'arrivée d'un navire dans une rade ou port égyptien, le capitaine ou l'agent des armateurs doit déposer à la Douane deux copies du manifeste de cargaison, certifiées, par lui, conformes à l'original. La Douane se réserve la faculté, dans tous les cas, de réclamer la présentation du manifeste original pour être collationné avec les copies. || La présentation du manifeste peut être exigée, quelle que soit la cause pour laquelle le navire accoste au port, et quelle que soit la durée de temps qu'il s'y arrête. || Si le navire provient d'un port égyptien, le manifeste de cargaison doit être accompagné du manifeste de départ de ce port, à moins que le navire n'ait été dispensé de se munir de ce document aux termes de l'art. 5. || Si le Chef de la Douane doute de la conformité des indications du manifeste avec la cargaison, le capitaine doit donner toutes explications et produire tous documents jugés nécessaires. || Le magasinier de la Douane, après débarquement des marchandises destinées au port d'arrivée, en donnera reçu sur la copie du manifeste. Cette copie sera ensuite remise à l'intéressé. || Si la totalité de la cargaison est destinée à un autre port, la Douane apposera seulement son visa sur la copie du manifeste. || Les navires dont la cargaison est destinée à un autre port ou qui arrivent sur lest, ne peuvent séjourner dans le port d'arrivée, sans raison majeure, pendant plus de trois semaines. Pendant toute la durée de ce séjour ils sont soumis à la surveillance de la Douane. || Si ces navires doivent prolonger leur séjour dans le port, pour cause de réparations, d'avaries, vents contraires, manque de fret, etc., ils ne peuvent le faire sans autorisation spéciale de la Douane. Cette autorisation ne sera accordée que si les motifs invoqués paraissent légitimes. || A défaut de l'autorisation, le navire doit quitter le port sans délai, et avant le départ il est soumis à la visite des agents de la Douane. || Si un navire s'arrête dans un port pour un motif paraissant suspect à la Douane celle-ci peut exiger la présentation immédiate du manifeste et faire, dans

les conditions mentionnées à l'article 41, toutes perquisitions qu'elle jugera nécessaires.

Art. 16.

Manifeste d'importation.

Le manifeste doit contenir les indications suivantes: || Le nom du navire; || Le port de départ et les escales faites pendant le voyage; || L'énonciation sommaire des différentes espèces de marchandises dont la cargaison se compose; || Le nombre et la nature des colis; || Leurs marques et numéros. || Le nombre total des colis doit être répété en toutes lettres, sur le manifeste et les deux copies. Tous renvois, ratures, surcharges ou interlignes doivent être approuvés. || Dans le cas d'omission d'une des prescriptions ci-dessus, le manifeste est restitué et considéré comme non présenté. Pourtant, dans de pareils cas, le capitaine a la faculté de présenter un nouveau manifeste.

Art. 17.

Débarquement des marchandises.

Un préposé de la Douane pointe sur une des copies du manifeste, contradictoirement avec le capitaine du navire ou son représentant, les colis et marchandises débarqués. || Les marchandises sont transportées à la Douane pour les opérations de vérification et d'enregistrement. || La partie de la cargaison qui doit être transportée à une autre destination reste à bord, et la sortie en est légitimée lors du départ du navire, au moyen d'un laissez-passer délivré par la Douane au capitaine. || La Douane a toujours la faculté, quand elle le juge utile, d'envoyer à bord des gardiens et de prendre telle mesure qu'elle croit opportune pour empêcher tout embarquement, débarquement ou transbordement non autorisé. || Si la quantité des marchandises ou le nombre des colis débarqués sont inférieurs aux indications données à cet égard par le manifeste, le capitaine ou son représentant doit fournir des justifications relativement aux différences constatées. Si les marchandises ou les colis manquants n'ont pas été embarqués, s'ils n'ont pas été débarqués ou s'ils ont été débarqués sur un point autre que celui de leur destination primitive, la justification doit en être fournie au moyen de documents certains établissant le fait. || Si les marchandises ou les colis manifestés ne se retrouvent pas et que la valeur en soit réclamée par le chargeur et le destinataire, le capitaine ou son représentant doit apporter les preuves du remboursement de cette valeur. || Si les justifications exigées par le présent article ne peuvent être données dans les vingt-quatre heures, le capitaine ou son représentant sera tenu de donner caution ou de faire le dépôt du montant de l'amende aux termes

de l'article 37; dans ce cas, il peut lui être accordé, pour fournir ces justifications, un délai qui ne pourra excéder quatre mois.

Art. 18.

Déclaration.

La déclaration prescrite à l'art. 6 doit être présentée aux Douanes dans les huit jours qui suivent le débarquement de la cargaison, sans compter les dimanches et jours fériés de la Douane. || Ce délai expiré, la marchandise est soumise aux droits de magasinage „ardieh" aux termes du règlement spécial sur cette matière. || Il est obligatoire pour le négociant d'indiquer dans sa déclaration la valeur des marchandises. Si la Douane n'accepte pas comme base de la perception des droits, la valeur déclarée par le négociant, elle peut réclamer la présentation de tous les documents qui doivent accompagner l'envoi d'une marchandise, tels que factures, police d'assurance, correspondances, etc., etc. || Si le négociant ne produit pas ces documents, ou, si ces pièces paraissent insuffisantes, la Douane pourra fixer elle-même la valeur de la marchandise, et, si le négociant refuse d'acquitter les droits au comptant, à raison de l'estimation douanière, la perception des droits s'effectuera en nature. || Dans ce cas, si les marchandises sont toutes de la même espèce ou qualité, la perception des droits en nature s'opère proportionnellement aux quantités; dans le cas où les marchandises comprennent des objets d'espèces ou de qualités variées, la perception des droits en nature ne s'opère que sur les articles contestés au choix de la Douane, qui devra se baser dans l'un et l'autre cas, sur les prix indiqués par le négociant. || Toutefois, si l'écart entre les prix indiqués par le négociant et l'estimation faite par la Douane ne dépasse pas 10%, le choix des objets à prélever en nature, appartiendra moitié au négociant et moitié à la Douane. || L'Autorité douanière ne pourra pas demander que les droits soient payés en nature sur les articles dont la valeur ne sera pas contestée. || Dans le cas où la marchandise dont la valeur est contestée ne pourrait être fractionnée, telle que, une voiture, un piano, une pièce de machine, etc., la Douane peut prendre pour son compte la marchandise, en faisant connaître son intention à cet effet, dans les trois jours qui suivront la remise de cette déclaration; dans ce cas, le paiement du prix de la marchandise déclaré par l'importateur, majoré de 10%, ainsi que le remboursement des droits quelconques qui auraient été perçus sur la dite marchandise, seront effectués dans les quinze jours qui suivront la déclaration. || Sur la demande du propriétaire d'une marchandise, celui-ci sera autorisé à vérifier ce contenu des colis arrivant pour son compte avant d'en dresser la déclaration écrite. || La

déclaration, une fois présentée, ne peut être modifiée sans excuse valable et sans autorisation, par écrit, du Directeur de la Douane. || Le permis d'ouvrir les colis pour en vérifier le contenu est donné par le Directeur de la Douane, ou l'Inspecteur en chef, lequel délègue l'employé qui doit assister à la vérification.

Art. 19.

Forme de la déclaration.

Les déclarations doivent être faites par écrit sur des formules imprimées par la Douane. || Elles énoncent: || 1° Les nom, prénoms, nationalité et domicile du déclarant; || 2° A l'importation, les lieux de provenance et d'origine, et à l'exportation, les lieux de destination des marchandises, ainsi que le nom du navire qui les a transportées ou doit les transporter; | 3° L'espèce, la qualité des marchandises, le nombre, la nature, les marques et numéros des colis, et s'il y a lieu le poids de la marchandise; || 4° La valeur de la marchandise calculée sur le prix que celle-ci a dans le lieu de chargement ou d'achat avec majoration des frais de transport et d'assurance jusqu'au port de déchargement. || Si la valeur n'est pas connue du déclarant, la Douane fera procéder à l'évaluation par ses estimateurs.

Art. 20.

Effets du défaut de présentation de la déclaration.

Le refus ou le retard de présenter la déclaration et de venir retirer la marchandise dans un délai de douze mois à partir de son débarquement en Douane, donne le droit à l'Administration de faire, dans les formes administratives, la vente aux enchères publiques en donnant un seul avis au destinataire soit directement, s'il est connu d'elle, soit par l'entremise du Consulat dont il dépend, si elle le connait, soit par une publication dans un journal de la localité, ou de la localité la plus voisine, s'il n'est pas connu. Toutefois la vente ne pourra avoir lieu que huit jours après que l'avis aura été donné. || Les marchandises sujettes à détérioration ou dépérissement, telles que les liquides, les fruits, etc., ne peuvent séjourner en Douane plus longtemps que leur état ne permet de les garder. Si jusque-là, elles ne sont pas retirées, la Douane constate par procès-verbal le défaut d'enlèvement en temps opportun et effectue la vente d'office sans avoir à appeler le propriétaire. || L'ouverture et la vente des colis abandonnés doivent se faire, en cas d'absence des intéressés, avec l'assistance des Représentants de l'Autorité Consulaire ou Indigène, selon la nationalité de l'intéressé. || Si, après convocation, les Représentants de cette Autorité ne se présentent pas, il en est dressé procès-verbal et la Douane procédera à la vente. || Le produit des ventes, après déduction des droits

de douane, des frais de magasinage, des amendes et de tous autres droits et frais, reste en dépôt dans les caisses de l'Administration à la disposition de qui il appartiendra. || Si ce dépôt n'est pas réclamé dans les trois ans, il est acquis à l'Administration des Douanes. || Tant que la vente n'est pas consommée, le propriétaire de la marchandise peut la retirer en acquittant les droits de douane et tous les autres frais, y compris ceux de criée et de courtage, s'il y a lieu.

Art. 21.

Expédition des marchandises étrangères d'une Douane à une autre.

Les colis des marchandises étrangères qui, avant le paiement des droits doivent être expédiés d'une Douane à une autre, ne peuvent être enlevés qu'après une déclaration. || La déclaration détaillée n'est nécessaire que si l'emballage des colis est défectueux; cette déclaration pourra ne porter que sur la valeur des marchandises si les colis se trouvent dans de bonnes conditions d'emballage. || Les colis doivent être accompagnés d'un Elm-Khaber; ils doivent être, en outre, placés sous la garantie du plomb de la Douane. Sont dispensés du plombage les colis n'ayant qu'une valeur inférieure à 30 P. T., ou les marchandises qui, par leur nature, ne sont pas susceptibles de recevoir le plomb. || En cas de transport par chemin de fer, l'expédition sera faite sous la surveillance de la Douane, qui retirera les connaissements et les fera parvenir aux Autorités douanières du lieu de destination. || La Douane remettra l'Elm-Khaber au propriétaire des colis pour la vérification à l'arrivée. || Si l'expédition est faite par une autre voie de terre, le propriétaire devra consigner les droits d'importation ou donner caution du montant de ces droits. || Les marchandises d'origine étrangère, ayant déjà acquitté les droits, qui seraient exportées par mer à un autre port égyptien ne seront soumises à aucun droit nouveau. || S'il existe des droits de consommation sur les marchandises en question, la Douane de départ n'exigera que le dépôt de ces droits, le montant des droits déposé sera remboursé à l'ayant-droit contre la production d'un certificat de la Douane de destination constatant l'arrivée des marchandises.

Art. 22.

Décharge de l'Elm-Khaber.

A l'arrivée des marchandises à la Douane vers laquelle elles ont été dirigées, le destinataire doit, dans un délai de huit jours, sans compter les dimanches et jours fériés de la Douane, déclarer leur destination définitive si elle n'est déjà portée sur l'Elm-Khaber, ou faire le retrait

de ces marchandises en payant les droits. Si ces marchandises restent à la Douane passé ce délai, elles sont passibles du droit d'ardieh. || A l'arrivée, il est procédé à la vérification de l'identité des marchandises; si elles se trouvent conformes aux énonciations de l'Elm-Khaber, un certificat de décharge est délivré au destinataire; si au contraire la constatation fait ressortir des différences, et si les colis portent des traces d'une manipulation pratiquée en route, le certificat est refusé ou bien il n'est donné que pour la partie des marchandises trouvée conforme aux indications de l'Elm-Khaber. Procès-verbal est dressé relatant l'état de la marchandise au moment de la vérification. || Un certificat de décharge peut être délivré pour les colis qui n'ont pas été soumis, au départ, à une vérification minutieuse, mais qui, s'étant trouvés en bon état d'emballage, auraient été simplement plombés, et cela sur la constatation à l'arrivée qu'ils sont intacts et ne portent trace d'aucune altération. || Le retour à la Douane de départ du certificat de décharge donne droit à la restitution du dépôt ou dégage la caution.

Art. 23.

Exportation des marchandises égyptiennes d'une Douane à une autre.

Les marchandises indigènes, c'est-à-dire les produits du sol ou de l'industrie de l'Egypte, qui seraient transportées par mer à un autre port égyptien devront acquitter en dépôt le droit d'exportation de 1% *ad valorem* contre remise d'un Elm-Khaber. || L'Elm-Khaber est déchargé à l'arrivée, dans les conditions énoncées à l'article précédent, et le certificat de décharge donne droit à la restitution du dépôt ou dégage la caution.

Titre III.

Du transit.

Art. 24.

Marchandises en transit.

Les marchandises destinées à traverser le territoire seront soumises, en ce qui concerne la déclaration écrite et la visite, aux règles établies pour l'entrée des marchandises étrangères sujettes aux droits de douane, et, en ce qui concerne l'expédition, aux règles établies pour le transport des marchandises d'une Douane à une autre. || Après la vérification des marchandises en transit, un Elm-Khaber est délivré au propriétaire ou expéditeur contre dépôt ou garantie par cautionnement d'une somme égale au montant du droit d'entrée. || Sur l'Elm-Khaber, la Douane indique le

délai dans lequel les marchandises doivent être présentées au bureau de sortie. Ce délai peut être fixé à dix jours au minimum et à six mois au maximum selon la distance que doivent parcourir les marchandises. || Les colis en transit sont soumis au plombage.

Art. 25.

Décharge de l'Elm-Khaber de transit.

Quand l'identité des marchandises expédiées en transit a été constatée et leur sortie effectuée dans le délai indiqué par l'Elm-Khaber, celui-ci est vidimé par la Douane de sortie. || La présentation à la Douane de départ de l'Elm-Khaber vidimé donne droit au remboursement du dépôt ou à la décharge de la caution. || Si à l'expiration d'un délai de six mois l'Elm-Khaber régulièrement vidimé n'est pas présenté à la Douane de départ, les marchandises sont considérées comme ayant été livrées à la consommation, et le montant du dépôt est définitivement acquis à la Douane. S'il y a cautionnement, l'Administration exige du garant le paiement du droit garanti. || Dans le cas de perte dûment prouvée de l'Elm-Khaber de transit, après visa donné par le bureau de sortie, ce bureau est tenu de délivrer un certificat destiné à remplacer l'Elm-Khaber. || En cas de perte totale dûment constatée des marchandises, il y aura lieu à restitution de la somme déposée en garantie.

Titre IV.

De l'exportation.

Art. 26.

Manifeste.

Le manifeste d'exportation doit être présenté à la Douane du port de départ d'après les règles établies par l'article 5.

Art. 27.

Déclaration.

Les marchandises destinées à l'exportation doivent être déclarées. La déclaration se fait suivant les règles établies aux articles 18 et 19.

La Douane, après avoir fait la vérification des marchandises, et avoir perçu les droits d'exportation, délivre, en même temps que la quittance de ces droits, un permis d'embarquement qui doit être représenté au préposé de garde à l'échelle d'exportation. || Les marchandises apportées en Douane pour être exportées ne sont passibles d'aucun droit d'ardieh pendant 48 heures; passé ce délai, elles sont soumises à ce droit, à

moins d'impossibilité d'embarquement pour cause de mauvais temps, ou manque de moyens de transport, etc. || L'exemption des droits d'ardieh pour cause de force majeure, n'est toutefois accordée que pour les marchandises qui auraient préalablement acquitté les droits d'exportation.

Titre V.

De la circulation et du cabotage.

Art. 28.

Expéditions des marchandises nationales.

Les marchandises égyptiennes qui sont expédiées d'un endroit à un autre du territoire par voie de mer, conservent leur nationalité, pourvu qu'elles n'aient touché à aucun territoire étranger. || Si un navire portant de telles marchandises en cabotage touche, par suite de force majeure, un port étranger, la marchandise ne perd pas, par ce fait, sa nationalité.

Art. 29.

Plomp à apposer aux colis.

Les colis transportés en cabotage doivent être plombés, si la Douane l'exige.

Titre VI.

Dispositions relatives à la surveillance.

Art. 30.

Défense d'accostage.

Il est défendu aux navires de toute portée d'accoster, sauf les cas de force majeure, les points où il n'existe pas de bureau de Douane.

Art. 31.

Surveillance sur le Canal Maritime de Suez et aux bouches du Nil.

Sur le Canal Maritime de Suez et sur les lacs qu'il traverse, ainsi qu'aux bouches du Nil, il est défendu d'aborder ou de se mettre en communication avec la terre, de manière à pouvoir charger ou débarquer des marchandises hors la présence des agents de la Douane, sauf les cas de force majeure. || Les agents doivent arrêter et visiter tout voilier dont l'attitude serait suspecte et le conduire au bureau de Douane le plus proche, en dressant procès-verbal.

Art. 32.

Surveillance sur la mer.

Les agents douaniers peuvent, dans le rayon de dix kilomètres du littoral, se rendre à bord des bâtiments d'une portée inférieure à 200

tonneaux et se faire présenter à nouveau le manifeste et les autres documents relatifs à la cargaison. ‖ Si un navire à destination d'un port égyptien est dépourvu de manifeste ou présente quelque indice de fraude, les employés doivent l'accompagner jusqu'à la Douane la plus proche en dressant procès-verbal. ‖ Si un navire quelconque d'une portée inférieure à 200 tonneaux destiné à un port étranger, est trouvé dans le susdit rayon sans manifeste, ou avec un manifeste ne portant pas les indications d'usage, les agents douaniers peuvent l'escorter hors du rayon de surveillance, ou, en cas d'indice de fraude, le forcer à les accompagner jusqu'à la Douane la plus voisine, ou praticable, en dressant procès-verbal. ‖ Les agents de la Douane, les officiers des bâtiments du service postal égyptien et les officiers des navires de l'État, peuvent aborder tout bâtiment à voile ou à vapeur d'une portée inférieure à 200 tonneaux, ayant jeté l'ancre ou louvoyant dans les dix kilomètres du littoral, sans justification de force majeure. ‖ S'ils trouvent à bord des marchandises dont l'importation ou l'exportation sont prohibées, ils les confisqueront sommairement, en dressant un procès-verbal qui devra énoncer que le bâtiment a été trouvé dans les limites du rayon de surveillance, à l'ancre, sans qu'il y eût nécessité, ou faisant une navigation que ne justifiaient ni sa destination ni aucun cas de force majeure. ‖ Si les agents de la Douane, les officiers des bâtiments du service postal égyptien ou les officiers des navires de l'État donnent la chasse à un bâtiment d'une portée inférieure à 200 tonneaux, et que celui-ci refuse de se laisser aborder, ils doivent hisser le pavillon et la flamme de leur embarcation ou navire, et avertir le bâtiment par une décharge à poudre. Si le navire ne s'arrête pas, une seconde décharge à boulet ou à balles doit être dirigée dans sa voilure. Après ce double avertissement le poursuivant fera un usage sérieux des armes. La poursuite peut être continuée, et le navire poursuivi peut être saisi, au delà de dix kilomètres. ‖ Pour les navires d'une portée supérieure à 200 tonneaux, la surveillance se borne à une observation de leurs mouvements le long du littoral: en cas de tentative de déchargement des marchandises à terre ou dans les embarcations, ou de transbordement, les susdits agents et officiers peuvent obliger le navire à les accompagner à la Douane la plus proche ou praticable, en dressant procès-verbal de la contravention. ‖ Les susdits agents et officiers ne peuvent visiter aucun navire, bâtiment ou embarcation de guerre, appartenant à une Puissance étrangère; ils doivent se borner à en surveiller les mouvements, et en cas d'indice de contrebande, signaler à la Direction des Douanes les faits qu'ils auront observés. ‖ Dans les cas prévus ci-dessus, les procès-verbaux des perquisitions devront être

communiqués à l'Autorité Consulaire dont dépend le contrevenant, si celle-ci en fait la demande.

Titre VII.

De la contrebande.

Art. 33.

A la suite de toute saisie en matière de contrebande, le Directeur, et trois ou quatre employés principaux de l'Administration, se constituent en Commission douanière, et, après avoir procédé à l'instruction de l'affaire, ils décident s'il y a lieu à confiscation et à l'application de l'amende. || La confiscation peut porter sur la marchandise, ainsi que sur tous moyens de transport et tous instruments de contrebande. Toutefois, les bâtiments ne pourront être confisqués comme moyens de transport que dans les cas où ils auraient été affrêtés en réalité dans ce but. || L'amende est applicable, quelle que soit la nature de la marchandise saisie; elle est égale au double droit d'importation, et en cas de récidive elle peut être portée au quadruple, puis au sextuple. || La décision de la Commission douanière doit énoncer la date de la saisie, les circonstances dans lesquelles elle a été opérée, les noms et qualités des saisissants, des témoins et du prévenu, l'espèce et la quantité de la marchandise, et les motifs justifiant la décision prise. || Une copie de cette décision, signée par le Directeur de la Douane, ou par délégation de ce fonctionnaire, est dans le jour de sa rédaction ou dans le jour qui suit, envoyée directement par la Douane à l'Autorité Consulaire ou Indigène dont dépend le prévenu. || A défaut d'opposition faite par le prévenu et notifiée à la Douane dans le délai de quinze jours à compter du jour de la remise de la copie à l'autorité, cette décision devient définitive, sans qu'aucun recours puisse être admis. || Si le prévenu croit devoir faire opposition, cette opposition sera portée devant le Tribunal de Commerce du ressort. Lorsque le prévenu est sujet étranger, son opposition sera portée devant la Chambre de commerce du Tribunal mixte. || Les décisions de la Commision douanière font foi jusqu'à inscription de faux des énonciations qui y sont contenues.

Les procès-verbaux dressés par les agents de la Douane font foi jusqu'à preuve contraire. || Si la décision judiciaire rendue en dernier ressort sur l'opposition déclare mal fondée la décision de la Commission douanière, le propriétaire de la marchandise aura droit à une indemnité égale au dommage qu'il aura pu souffrir par suite de la saisie. || L'Administration des Douanes aura toujours le droit de transiger avec le

prévenu en abaissant la pénalité à une amende qui est à apprécier suivant les circonstances, mais qui ne pourra, en aucun cas être inférieure au double du droit d'importation.

Art. 34.

Les pénalités en matière de contrebande seront applicables, solidairement, aux auteurs et complices quels qu'ils soient ayant concouru à la fraude et aux propriétaires des marchandises.

Art. 35.

En dehors des cas ordinaires de tentative d'introduction frauduleuse, seront considérées comme de contrebande et traitées d'après les règles prescrites à l'article 33 et avec les conséquences ci-dessus: 1° Les marchandises étrangères débarquées irrégulièrement dans les ports ou sur les côtes, déviées de leur route ou déchargées avant d'arriver à la première Douane; ‖ 2° Les marchandises étrangères que l'on tente de décharger ou de transborder sans qu'elles soient manifestées, ou celles trouvées sur des barques d'une portée ne dépassant pas quinze tonneaux, dirigées vers un port égyptien et dépourvues de manifeste; ‖ 3° Les marchandises étrangères trouvées sur le Canal Maritime de Suez et les lacs qu'il traverse ou aux bouches du Nil, dans des embarcations qui accostent, ou qui sont en communication avec la terre, sans l'autorisation écrite de l'Administration des Douanes ou dans les bâtiments qui longent le littoral, jettent l'ancre ou accostent là où il ne se trouve pas de bureau de Douane. ‖ Ne seront pas toutefois considérées comme de contrebande les marchandises trouvées dans les conditions susdites, si le cas de force majeure est dûment établi; ‖ 4° Les marchandises étrangères trouvées sur les personnes, dans les bagages, embarcations ou voitures, ou cachées dans les colis, des meubles ou des marchandises d'autre espèce, de manière à faire présumer l'intention de les soustraire aux droits; ‖ 5° Les marchandises étrangères enlevées de la Douane sans laissez-passer; ‖ 6° Les marchandises étrangères déposées dans le désert hors de la ligne douanière et dans des conditions suspectes; ‖ 7° Les marchandises étrangères expédiées en cabotage, sans Raftieh, sur des bâtiments d'une portée inférieure à 5 tonneaux; ‖ 8° Toutes les marchandises soumises au droit d'exportation dont on effectuerait ou tenterait d'effectuer la sortie, sans les présenter à la Douane. ‖ En ce cas, l'amende à prononcer en sus des confiscations sera égale à seize fois le droit d'exportation, et pourra être en cas de récidive portée au double, puis au sextuple de ce chiffre. ‖ Seront également con-

sidérées comme de contrebande et traitées d'après les mêmes règles, toutes marchandises prohibées par le Gouvernement, ainsi que les tabacs et les tombacs circulant, en cabotage ou à l'intérieur, ou trouvés sur un point quelconque en contravention aux règlements.

Titre VIII.

Des Contraventions.

Art. 36.

Les contraventions sont punies d'une amende exigible solidairement contre les auteurs, instigateurs et complices, contre les propriétaires des marchandises et contre les capitaines des navires, qui répondront aussi des infractions commises par l'équipage. || Le paiement des amendes prévues au présent titre est exigible dans les cinq jours qui suivront la signification, à moins qu'avant l'expiration de ce délai les intéressés ne se soient pourvus par voie judiciaire contre la décision de l'Administration des Douanes. || Les marchandises et navires serviront de garantie suivant les cas au recouvrement des droits et amendes, sans préjudice des dispositions de l'art. 8, alinéa 5, et de toute autre action. || L'amende ne sera pas prononcée si la Douane reconnaît qu'il y a eu cas de force majeure; la preuve doit, en ce cas, être dûment fournie avant le retrait des marchandises ou le départ des navires; la Douane peut même accorder un délai. L'application de ces amendes est indépendante des droits dus selon les traités, lois et règlements.

Art. 37.

Si des différences en plus existent entre les marchandises et les indications du manifeste de cargaison, le capitaine paiera une amende qui ne pourra être inférieure au droit de Douane, ni supérieure au triple de ce droit, pour chaque colis non mentionnée sur le manifeste. Si des colis en excédent ont les mêmes marques et numéros que d'autres colis indiqués sur le manifeste, ceux qui seront passibles du droit le plus élevé seront considérés comme non manifestés. || Pour chaque colis porté sur le manifeste et non représenté, d'après l'art. 17, il sera versé une amende qui, outre le droit de douane à évaluer suivant les indications des documents représentés, ne pourra-être inférieure à 100 P.T. ni supérieure à 600 P.T. || L'amende pour les marchandises chargées en vrac d'après le manifeste, peut être portée de 60 P.T. à 600 P.T. || Toutefois, les excédents ne dépassant pas dix pour cent, et les manquants ne dépassant pas cinq pour cent, ne donneront pas lieu à l'application des amendes.

Art. 38.

Pour les différences de quantité, de poids ou de qualité entre la déclaration écrite et la marchandise présentée à la visite, il sera perçu une amende qui ne pourra être inférieure au dixième du droit, ni supérieure au droit de douane. || Il n'y aura lieu d'appliquer aucune amende si les différences de quantité, ou de poids, ne dépassent pas cinq pour cent.

Art. 39.

Sont soumis à une amende de P.T. 200 à P.T. 1000 les capitaines des bâtiments: || 1° Qui refusent d'exhiber ou qui ne possèdent pas le manifeste légal de la cargaison; || 2° Qui refusent d'admettre les agents douaniers à bord; || 3° Qui partent ou tentent de partir sans la permission de la Douane; || 4° Qui contreviennent à toute autre prescription énoncée à l'art. 15. || Le tout sans préjudice des cas de contrebande. || L'amende sera de P.T. 25 à P.T. 200: || 1° Au cas où les bâtiments ne seraient pas amarrés dans les endroits désignés; || 2° Au cas où les déchargements, chargements et transbordements de marchandises auraient lieu sans la permission de la Douane, ou hors de la présence des agents douaniers; || 3° Au cas de présentation tardive du manifeste, si le retard n'est pas justifié.

Art. 40.

L'amende sera de P.T. 25 à P.T. 100 au cas de tentative d'importation ou d'exportation en dehors des règles prescrites, même pour les marchandises exemptes des droits d'entrée ou de sortie.

Art. 41.

En cas de soupçons de fraude, les employés peuvent, dans la zone de surveillance, faire des visites ou perquisitions dans l'intérieur des habitations et des magasins, mais seulement dans le but de rechercher une marchandise prohibée ou soustraite au paiement du droit et de la saisir s'il y a lieu. || Il ne doit être cependant procédé à ces visites que sur l'ordre écrit du Directeur de la Douane et avec l'assistance: 1° d'un employé supérieur du grade d'inspecteur au moins; 2° d'un délégué du Gouvernorat. || Le double de l'ordre de visite, qui indiquera le jour et l'heure de la perquisition, devra être, le cas échéant envoyé en temps utile à l'Autorité Consulaire intéressée, qui devra assister à la perquisition ou s'y fera représenter sans occasionner aucun retard. || Si, quatre heures après la remise du double de l'ordre de perquisition, l'Autorité Consulaire ne s'est pas fait représenter, elle sera considérée comme voulant s'abstenir et les agents de la Douane

seront autorisés à procéder à la perquisition. || Dans les localités situées à plus d'une heure de distance du siège d'une Autorité Consulaire, les agents de la Douane pourront procéder à une perquisition en présence de deux témoins de la nationalité du propriétaire ou locataire de la demeure ou du magasin à visiter ou à défaut, en présence de deux autres témoins étrangers. || Ces stipulations ne seront pas applicables dans le cas où la perquisition doit être faite dans un magasin indépendant du domicile ou dans des locaux servant exclusivement d'entrepôt ou de dépôt de marchandises. Dans ce cas, il suffira qu'un avis préalable de la visite soit donné au propriétaire ou à son représentant, ou, à defaut, à l'Autorité Consulaire. || Pour procéder à une visite ou perquisition à bord d'un navire étranger ancré dans un port égyptien, il faut un ordre écrit du Directeur de la Douane; le double de l'ordre qui indiquera le jour et l'heure de la perquisition devra être envoyé en temps utile à l'Autorité Consulaire intéressée, qui pourra se faire représenter, si elle le juge à propos. || Toutefois, la perquisition ne pourra être, en aucun cas, ni retardée ni entravée par l'abstention de l'Autorité Consulaire, pourvu que celle-ci ait été dûment avisée. || Dans tous les cas où l'Autorité Consulaire n'assiste pas à la perquisition, un procès-verbal devra être dressé et la copie lui sera communiquée sans délai. || Le procès-verbal dressé par les agents de la Douane, devra énoncer les dires et observations de la personne chez laquelle la visite aura été pratiquée, ou, en cas d'absence de celle-ci, les dires et observations de ses représentants ou domestiques. || La personne intéressée ou, à défaut, ses représentants ou domestiques, seront invités à signer le procès-verbal. || Les perquisitions ne pourront être opérées qu'à partir du lever jusqu'au coucher du soleil.

Art. 42.

Anciennes dispositions.

Toutes les dispositions contraires à celles contenues dans le présent Règlement sont abrogées.

Signé: Boutros Ghali.
„ Cogordan.

Nr. 12683. RÖMISCHE KURIE. — Rundschreiben Leos XIII. beim Eintritt in das 25. Jahr seines Pontifikats.

19. März 1902.

Venerabilibus Fratribus Patriarchis Primatibus Archiepiscopis Episcopis et Dilectis Filiis Christifidelibus Universis Pacem et Communionem cum Apostolica Sede Habentibus.

Leo PP. XIII.

Venerabiles Fratres.
Salutem et Apostolicam Benedictionem.

Annum ingressi sumus quintum et vicesimum Apostolici muneris: spatiumque respicientes in maximis curis assiduisque confectum, admiratio Nos divinae bonitatis commovet; unde cum beneficia innumerabilia accepimus, tum hanc ipsam, quae Decessorum perpaucis contigit, Pontificatus diuturnitatem. Itaque summo rerum Parenti, eidemque auctori et arbitro vitae gestit animus grates agere quam maximas potest. Profecto aeterni consilii rationem perspicere totam super hac praeter exspectationem tanta longinquitate senectae, humanum non est; neque eam Ipsi vestigare nitimur. Illud intelligimus, quando divinae benignitati placitum est huius lucis Nobis usuram prorogare, officium a Nobis esse sanctissimum, in utilitates et incrementa Ecclesiae quantum superest virium impendere, eiusque gratià nec laboris quidquam nec sollicitudinis defugere. — Iam a gratae voluntatis significatione, debita benignissimo Numini, cui sit gloria lausque sempiterna, libet affari vos, Venerabiles Fratres; qui ut, suam quisque, Dominici gregis custodiam geritis a Spiritu Sancto mandatam, ita pastoralis officii Nobiscum certamina palmas, laeta tristia participare consuevistis. Haerebunt Nobis semper in memoria pietatis observantiaeque officia et multa et praeclara, quibus cum Pontificatus Nostri cursum continentem ornastis, tum huius felicitatem eventi fecistis iucundiorem. Quae quidem officia, ut sumus vobiscum paterna muneris necessitate coniuncti, grate admodum complectimur: etsi non tam caussá Nostra, quam quod argumento sunt, adhaerescere vos penitus huic Sedi Apostolicae, quacum tamquam centro suo ceterae orbis catholici contineri sedes debent. Quod si unquam alias oportuit sacrorum Ecclesiae Antistites caritate mutua et cogitandi agendique similitudine inter se cohaerere, perinde quasi ex omnibus exsisteret cor unum et anima una, id enimvero hodie, quae sunt tempora necesse est. Numquemnam latet conspirans ille ad labefaciendum opus Iesu Christi consensus infensissimorum hostium, christiana vel dogmata vel instituta, pertinacia incredibili, convellere molientium? Haec vos plus satis experiendo nostis: qui etiam saepe Nobiscum deplorare

soletis, disseminari passim licenterque opinionum et doctrinarum pestes, malisque errorum venenis imbui multitudinem. Proh circumventam insidiis incautorum fidem! Ecclesiae interea, quod magis dolendum, iniectis omne genus vinclis, sua minuitur et quoad potest eripitur auxiliandi copia. Et tamen non dubitant, cumulantes flagitio damnum, arguere Ecclesiam ipsam debilitatae virtutis, quod non, ut antea, populares cupiditates, in perniciem communium rerum inflammatas, queat restinguere. || Equidem iucundiora velimus, accommodate ad factum laetabile, scribendo persequi. Verum neque id patiuntur insidentia Ecclesiae incommoda quae levari mature postulant, neque haec tam misera societatis humanae tempora; cui quidem ille a christiana disciplina institutoque discessus fortunarum morumque detrimenta adhuc magna peperit, maiora struit. Siquidem sanctum naturâ est, omniumque saeculorum memoriâ ratum, non posse religionis reverentiam deturbari publice, quin simul convictus humani prosperitas corruat. — In eiusmodi rerum asperitatibus, ad excitandos confirmandosque opportune animos opus esse arbitramur, huius quod cum Ecclesia geritur bellum, initia, caussas multiplicemque exsequi naturam, quae perniciosa consequantur monere, medendi demonstrare vias. Itaque, licet referens quae saepe ediximus in hoc genere, pertineat usquequaque volumus, paternae caritatis plena, vox Nostra; neque ad filios modo catholicae unitatis feliciter compotes, sed ad eos etiam qui Nobiscum de fide dissident, vel qui ab ipsa plane sunt alieni: quippe universi omnes uti eodem sunt prognati Patre, ita ad idem summum invitantur bonum. Sitque ea vox testamenti instar, quo gentibus suprema salutis communis studia Nostra votaque, impendente iam exitu, commendamus. || Veritatis iustitiaeque vindex, Ecclesia Christi adversa multa et aspera nunquam non pertulit. Ex quo enim instituit, quod acceperat ab Auctore suo munus, constabilire et propagare in hominibus regnum Dei, eosque ab amore fluxarum rerum ad immortalium traducere, necessario in offensionem humanae incurrit corruptae depravataeque naturae. Studia nimirum infesta sibi et inimica sensit cupiditatum, quibus responsandum viriliter esse ipsa edicebat. — Nec vero id acciderit homini christiano novum, quando Christus alumnis disciplinae suae denuntiavit, omnia hostilia, dum mundus foret, usque passuros. Pervulgata sunt, quae ipsos dimissurus in orbem terrarum Evangelii praecones, monuit: persequentur vos; eritis odio omnibus propter nomen meum; trademini ad reges et praesides; tradent vos in tribulationem et occident vos. Animosque de suo caperent exemplo voluit: si mundus vos odit, scitote quia me priorem vobis odio habuit. Adeo digna promeritis heic redditur merces!

Iamvero huius tantae invidiae nemo aequus rerum aestimator caussam

satis idoneam repererit. Urgente caritate immensa, demisit se abiecitque Christus ad humilitatem conditionis humanae; praecepta dedit sanctissima, plena solatii, apprime facta ad pacandos inter se copulandosque germanitate homines; opes gloriamque contempsit; iura nullius appetivit; aegris, calamitosis, aerumnosis benignissimus adfuit; denique aetatem omnem optime de hominibus merendo contrivit. Quodsi tamen factus is est, quod Simeon praecinerat fore, signum cui contradicetur, prodigium certe nequitiae hic agnoscimus, atque eo immanius, quo iniuriosius. || Porro Ecclesiam catholicam, Christi heredem muneris, custodem doctrinae mirumne sit câdem usam esse fortuna? Semper eadem constat saeculo perversitas, urgentibus pios impiis ab humani generis hoste profectis, quem ipsum inimicum Dei ab initio rerum, principem huius mundi, sacrae appellant litterae. Hi scilicet, quoniam imperium Dei contumaciter abnuunt, nec denunciari sibi divinam patiuntur legem, nec omnino eos, qui rite denunciant, ferre possunt. Itaque coniurati Ecclesiam perdere, quoties turbulentioribus aetatibus contra omne ius fasque communitatis humanae immania edidere crudelitatis exempla! — Ergo aliud ex alio omnia tentata genera saeviendi. Recens ab origine, vi tormentisque cruciatum publice christianum nomen; triumque saeculorum spatio Urbem romanique imperii fines perfudit martyrum cruor. Tum, domestica pestis, haereticorum perfidia extitit, tecte primo, dein audacter aggressa technis rationumque fallaciis concentum fidelium unitatemque dissolvere. Erupit deinceps plus semel a septentrionibus barbarorum procella, Saracenorum ab austro, internecionem vastitatemque faciens. Cumque veluti provinciam male habendae Ecclesiae aetas aetati transmitteret, eam suscepit, restituto imperio, Caesarum dominatio, superba fere atque impotens; quae sollicita ne prae se sacra potestas cresceret, eius sive libertatem coercere sive iura attentare non destitit. Taedet considerare, quot quantisque difficultatibus affecta atque afflicta subinde Ecclesia fuerit. Illa vero ex angustiis incommodisque evadere fortior; pacifici regni sui proferre terminos; nec veteris humanitatis fructus negligere, custodiendis litterarum et artium monumentis; sed laborare in primis, ut civitatem penitus evangelica sapientia pervaderet totamque imbueret. Ita christianum cultum in commune invexit; peperitque conformatis eo cultu gentibus aequitatem legum, mansuetudinem morum, tenuium tutelam, calamitosorum inopumque misericordiam, alieni iuris dignitatisque verecundiam, denique civilium rerum cursum, pro naturali studiorum concertatione, tranquillum, temperante nimirum iustitia libertatem. || Documenta tam magna tamque illustria beneficae virtutis suae cum daret Ecclesia, ad finem aetatis mediae processit, invidia improborum comite: quae autem sequuta est aetas dimicationes

ei vel acerbiores attulit. Etenim saeculo sextodecimo luctuosa illa exarsit, cuius nota sunt semina, perduellio Novatorum; qui caput ipsum adorti, id est romani Pontificis auctoritatem, unde universitas Christifidelium in unum corpus coalescit vivum vigensque, florentissimas gentes a catholicarum complexione misere abstraxerunt. Quo facto discidio illuc necessitate evasere, quo fortasse non spectarant, ut christiani nominis vix umbram retinerent, rem fere exuerent. Nam abiecto semel ex una parte magisterio Sedis Apostolicae, quo maxime unitas fidei salva consistit, posito ex altera proprium cuique iudicium esse normam credendi, infinitis sententiarum commutationibus patuit aditus; quare iam nullum est tam sanctum doctrinae christianae principium, quod non illi aut in dubium revocent, aut funditus repudient. || Idem insistentes iter, progressi sunt longius, qui insolenter se philosophiae nomine iactarunt saeculo duodevicesimo. His nullae fuere divinae litterae; nulla, Deo manifestante, nota veritas; unum propositum, ex animo populorum omne christianae religionis vestigium abolere. Ex his fontibus perniciosa illa fluxere portenta rationalismi, pantheismi, naturalismi, materialismi; quibus veterum errores quos sancti Patres vindicesque fidei splendide convicerant, specie instaurantur nova: prorsus, ut superbia recentiorum, contempto christianae sapientiae lumine, ad ethnicae vetustatis deliramenta regrediatur, vel quod attinet ad animorum naturam et immortalitatem. || Itaque factum ut, multo quam antea, ingravesceret ad hanc diem in Ecclesiam bellum, latiusque manaret. Siquidem aetas incredula non satis habet unum et alterum fidei sanctae oppugnare caput: cuncta simul caelestium doctrinarum principia, ipsa sana philosophia reclamante, aggreditur. Atqui huiusmodi principia divinissima hominem de supremo fine monent sui, in officio continent, afflictum recreant tolerantiamque dolorum docent, atque erectum in expectationem incorrupti iudicis Dei, vitaeque post mortem beatae, iubent terrestria posthabere caelestibus, caduca mansuris. Porro in locum fidei quae tantae salutis ubertatisque affert elementa, quid isti sufficiunt? Nempe abnormem veritatis fugam quae frangit animos, et omnes generosae virtutis nervos elidit. || Jamvero pravarum doctrinarum luem videtis, Venerabiles Fratres, ex opinionibus hominum in agitationem vitae, venasque rei publicae defluxisse. Magnae enim et imperiosae civitates adhibere eas doctrinas atque usurpare non intermittunt, se ratae propterea progredientis humanitatis videri duces. Etiam fere qui civitatibus praesunt, perinde quasi non debeant assumere sibi et prae se ferre quantum in communibus moribus est optimi, solutos se putant officio colendi palam Numinis; saepiusque fit, ut professi omnium religionum aequam se habere rationem, cum ea solum inimice agant, quam Deus instituit. || Comparatis autem

ad contemptum Dei civilibus rebus, quam necesse fuit consequi, consequuta est magna perturbatio demutatioque morum: quippe recti honestique fundamentum religio continet; id quod ipsi sensere ethnicorum sapientissimi. Etenim abruptis officiorum vinculis, quae hominem iungunt Deo, summo omnium legislatori et iudici, nihil superest nisi simulacrum illud honestatis mere civilis, sive, ut aiunt, a nullo pendentis; quae nimirum de lege aeterna praeceptisque divinis nihil pensi habens, illuc prono itinere ad extremum evadit, ut hominem suarum ipsius cupiditatum arbitrio permittat. Qui quidem spe dimotus supernorum bonorum, quid aliud malit, quam ingurgitare se in huius commoditates suavitatesque vitae: explere crescentem voluptatum sitim; divitias quaestusque immodicos avidius, invita etiam iustitia, facere; auctaque libidine dominandi, ad imperia honoresque quavis demum arte conniti? At ubi sic animos multitudinis transversos agit licentia, iacent leges, iacet auctoritas publica; nec iam longe abesse communium temporum pernicies potest.

Iamvero quae incommoda dicimus ex hac tanta rerum perturbatione gigni, plus nimio constat evenisse; videmusque congregationis humanae fundamenta, aeternis submotis iusti rectique principiis, nutare. — Atque cum omnia civitatis membra, tum domestica societas praesertim magnam plagam accepit. Nam, alienus ab Ecclesia, principatus civilis rationem finesque migrans ditionis suae, maritale vinculum sibi vindicavit, omnique exuit sanctitudine; nativum parentum ius educendae prolis violavit; stabilitati coniugiorum multifariam obfuit, concessâ legibus divortiorum facultate. Inde est, quod nemo ignorat, ut excrescat quotidie nuptiarum numerus, quas uti libido temere conciliavit, ita brevi fastidium infidelitasque dissolvit: nihil autem sit miserabilius conditione sobolis, quae et parentum incuriâ aut etiam consuetudine mala mature corrumpitur, et a profana institutione reipublicae imbibit pravarum opinionum virus. Domesticarum rationum labes labem socialium et politicarum tulit; maxime quod nova commenta germanam notionem principatus, praeposterâ eidem tributa origine, adulterarunt. Etenim si est ut auctoritas principum non a Deo, supremo aeternoque omnis potestatis fonte, verum a populorum consensu suffragiisque oriatur, continuo illud ipsa deperdit quod unum eam religiosissime commendet civibus, abitque in facticium quoddam imperandi genus, tam instabili et lubrico nixum fundamento, quam est mutabilis hominum voluntas. Ex quo illud apparet effici in legibus, ut plerumque victricem quidem sententiam politicarum partium, numero antecedentium, minime vero scriptam rationem referant, uti par est. Ob eamque ipsam caussam cernere licet, foveri appetitiones proiectas multitudinis; dari frenos popularibus cupiditatibus, ipsa negotia pacemque civium interpellantibus;

eos autem multa cum vi atque etiam caede inhiberi, quotiescumque sit ad extremum casum res adducta. || Similiter, ubi a communi iure gentium exsularunt christiana praescripta, quorum mira vis est ad devinciendas invicem et quasi conglobandas universas in unam veluti familiam, paullatim instituerunt nationes sua quaeque immoderate quaerere, aliena aemulari, atque inter se si minus infestum animum gerere, at certe suspiciosum. Quare in suis eas coeptis non magnopere celsa honestatis iustitiaeque forma movet; nec sua quidquam interesse putant, contra vim potentium humiles defendere: sed totae cum sint in amplificandis sine modo opibus suis, unice quod opportunum atque utile sibi fore censuerint, id maturant exsequi: siquidem persuasum habent, facinore patrato feliciter, qui se reducturus sit ad officium, fore neminem. His igitur iudicandi normis, supremam legem rerum humanarum statuunt vim esse: eamque ob caussam certatim intenditur undique militaris instrumenti immanitas; unde eiusmodi pax exsistit, cuius detrimenta perniciosissimum quodque bellum exaequent. || Perturbatâ vero publicorum disciplina morum, crevere immensum tenuium incommoda, inquietos contumacesque commoventia spiritus: indeque illa nata turbarum seditionumque frequentia, quae graviores iam formidines portendit. Indigne quidem minuta plebs magnam partem laborat, quibusque premitur rerum omnium angustiis liberanda aut certe levanda celeriter est: iis tamen angustiis commode abutuntur ad sua consilia concitatores vaferrimi, Socialistae in primis, qui plebem fallacibus pollicitationibus infatuantes ad teterrima peragenda proposita grassantur. || Quoniam autem per declive ruentem necesse est ima petere, ex positis principiis necessitas consecutionum demum effecit, ut consociatio quaedam coiret hominum perditis moribus ingeniisque efferis, quorum atrocia facta terrorem ubique brevi iniecerunt. Opibus valida et numero gregalium in omni gente, quonam iam non potest consociatio istiusmodi consceleratas afferre manus, fidenterque capitalia quaelibet audere? Qui autem in ea sunt haeresi, ii revulsis legum religionis morumque vinclis, a civili se convictu alienos penitus haberi volunt; impositoque sibi anarchicorum nomine contendunt omni furiosae temeritatis impetu societatem humanam ab imis radicibus evertere. — Quia vero societas cohaeret vigetque potissime temperatione potestatis publicae, idcirco potestas potissime est telis profligatorum hominum proposita. Ecquem non perfudit horror miserantem simul et indignantem, cum videret his paucis annis aut paratam necem aut allatam imperatoribus augustisque foeminis, regibus et amplissimarum praesidibus rerumpublicarum, neque aliam ob caussam, quam quod potentatum obtinerent? || His tot tantisque vel prementibus malis vel ingruentibus periculis, Nostrarum esse partium

intelligimus, omnes quotquot sunt recte animati, eosque magis qui potestate antecellunt, cohortari denuo atque adeo obtestari, idonea velint, quae suppetunt, remedia attendere, eaque vigilanter nervoseque properent adhibere. Principio autem illa quae sint, quantaque polleant virtute considerandum est. — Libertatis quidem praedicari commoda audivimus magnificeque eius laudari virtutem, tamquam pacis actuosaeque prosperitatis effectricem, ut nihil supra: sed mancam illam ac debilem exitu rebusque satis cognovimus. In bonis fortunisque, in ordinibus civium calet flagratque apud omnes, quae ubique sunt, gentes contentio; necdum tranquille placideque in civitate vivendi spes ulla ostenditur. Quin etiam illud, quod hodie placet, ut promiscuo iure libertatem usurpent error cum veritate, cum honestate turpitudo, exploratum cuique est quo pertineat; nempe ad quaecumque sunt honorabilia sancta excelsa opprimenda, muniendamque viam maleficiis, necibus voluntariis, turpissimarum flagitiis cupiditatum.

Visum est etiam valde conducibile, popularem eruditionem provehi; quippe, quo cultiores, dispulsis inscientiae tenebris, animi fierent, eo contra prava studia cupidinum munitiores forent, faciliusque essent honesti rectique normam servaturi. Veruntamen institutio eiusmodi, quae a solida religionis morumque disciplina abhorreat, quotidianis prope constat experimentis, quo tandem evasura sit. Perversarum error opinionum, quas ephemeridum praesertim infinita licentia fundit, adolescentem aetatem, improvidam eam quidem maximeque cupiditatibus concitatam, facile decipit; mentes animosque passim depravando corrumpit; ac talem vulgo alit superbiam et intolerantiam, quae familiarum statum pariter ac civitatis permisceat. || In assiduis quoque doctrinarum progressionibus spei multum multi collocarunt. Quo quidem in genere incrementa proximum saeculum et magna et nova et admirabilia vidit: illos vero tantopere concupitos indeque expectatos fructus salutis uberes num vidit? Recentiorum sane sollertia novos eosque immensos campos ingeniis ad pervestigandum aperuit, hominis in naturas corporeas dominatum protulit, commodisque multis actionem auxit vitae mortalis. Rem tamen spe deterius evenisse, cuique conspicuum est consideranti et hunc talem animorum morumque habitum, et annuas descriptiones criminum, et ab infimae sortis hominibus formidolosos fremitus, et vi iura subacta. Atque ut mittamus de redacta ad incitas plebe, mentes passim inopinabilis quaedam premit aegritudo, intimoque desiderii sensu oblanguent pectora. Neque enim si res corporeas sibi obnoxias homo fecit, animum tamen explevit suum; aut quod plura scientiae investigatione compererit, eo in maximis difficillimisque caussis haeret minus. Omnino veritatis, virtutis, infinitique sitien-

tem boni irritant terrena, non satiant; externarumque augendâ copia suavitatum nequaquam ex animo demi sollicitudines possunt. || Contemnendaene igitur sunt aut negligendae doctrinarum opes, civilis cultionis, temperatae moderataeque libertatis? Minime vero: immo tuendae promovendaeque, ac perinde habendae per se sunt, ut totidem ab ipso Deo comparata subsidia ad humani generis utilitatem. Attamen ita ea sunt reapse, consilio Creatoris, frugifera, si apta et connexa fuerint cum virtute religionis, unde omnem vim habent, utilitatis bonae efficientem. Nimirum haec una res caussam continet. Nam ut quidque, si dimotum sit a caussis, a quibus consentaneam trahit stabilitatem, necessitate corrumpitur; ita pariter cum ea ipsa caussarum virtute denuo coniungatur oportet, si volet corruptum restitui. Iamvero civitas, ex quo stultissimum iniit consilium sese vindicare a Numine, divinitus traditas doctrinas atque adeo quaecumque sunt supra naturam proterve respuens, salutiferam ab se prohibuit christianae religionis efficientiam; unum illud videlicet omnium vel ordinis firmamentum solidissimum vel germanitatis validissimum vinculum vel recte factorum publice privatimque inexhaustum fontem. Itaque hoc ipsum civitatis a religione discidium magna vitae morumque secuta perturbatio. Ad christiana igitur instituta se recipiat opus est devia civitas, si prosperas, si pacatas, si salvas esse res suas velit. — Quemadmodum enim nullius christiana sapientia illabitur animum, quin faciat eo ipso meliorem; eodem modo ubi cuiuspiam pervasit illa administrationem reipublicae, continuo pacatior tranquilliorque status consequitur. Siquidem Dei notione providentissimi, sapientissimi, infinitaeque eius tum bonitatis tum iustitiae mentes imbuens, ad conscientiam officii revocat, aerumnarum acerbitates temperat, mollit iras, suadet magnanima. Quodsi penitus commutavit illa nationes ethnicas planeque ab interitu revocavit ad vitam, si qua vestigium posuit barbariam exclusit, eadem profecto poterit perturbatam, postquam a se declinavere, civitatum disciplinam rursus, ubi ad se redierint, componere. — Sed is, quem dicimus reditum, ut veram plenamque salutem efficiat, hoc vult, ad unius sanctae catholicae apostolicae sinum complexumque redire Ecclesiae. Etenim christianam sapientiam reapse sola totam Ecclesia continet, summe spiritualis illa quidem at numeris omnibus absoluta societas: in qua consistit corpus Iesu Christi mysticum, cuius aspectabile caput est, principis Apostolorum obtinens locum romanus Pontifex. Ipsam Liberator humani generis constituit perfectricem operis sui, partaeque ab ipso salutis administram: Evangelium in orbem terrarum ipsa disseminavit fusoque sanguine asseruit; ipsa sanctissimis freta promissis, praesentem sibi non defecturae fore Deum, a quavis erroris contagione integram Christi doctrinam perseverat ad postremam sae-

culorum aetatem prodere. — Dux eadem legitima morum ad Evangelii praescripta, non ea solum tuetur, quae singulis ad sempiternam salutem opus sint, verum etiam quae maxime conducant reipublicae, iustitiam, caritatem mutuam, veri nominis libertatem, eamque quae una potest esse, civium aequabilitatem. Praeceptis enim institutisque divini Conditoris sui, iura rationesque omnes communitatis humanae suo quodque momento ponderata dispensat atque componit. Ita cum pares inter se ab eiusdem consortione naturae iubet haberi cives, iubet eodem tempore inviolatos esse, quos natura ipsa discretos vult, varios ordinum gradus. Libertatemque affert eiusmodi, quae rationem ab obsequio obedientiaque fidei nequaquam eximat, aut sibi ipsam permittat; in quo ius esse edicit, ut libertas veritati concedat, vis numerusque iustitiae, ea quae sunt hominis iis quae sunt Dei. || Neque eo minus salubriter convictum domesticum Ecclesia iuvat: quae et ipsum ab insidiis et licentia impuratorum fidei hostium tegit, et arctissima coniugalis amoris vincula confirmans, honestatem thalami sanctitudinemque custodit. — Eadem porro in genere civili et politico conservat ordinem et roborat, cum ex una parte eorum qui imperant, sustentet auctoritatem, ex altera eorum qui parent, si quando rite meliora quaerant, aequis suffragetur optatis: hinc scilicet sartam tectamque decernens esse verecundam principibus obtemperationem, illinc inviolabilia iura vindicans humanae dignitatis. Atque ita aeque a servitute longe distabit et ab herili dominatione civitas, dum dicto audiens fuerit Ecclesiae. || Harum Nos quidem rerum probe conscii, vixdum suscepto Pontificatu Maximo, illuc curas omnes cogitationesque convertimus, ut eminerent per Nos atque exstarent plena salutis consilia Ecclesiae, atque eius cum doctrinarum lux tum vis beneficiorum, quam latissime posset, pertineret. Eo spectarunt quae profecta sunt a Nobis documenta praecipua, nominatim Encyclicae Litterae de philosophia christiana, de libertate humana, de matrimonio christiano, de secta Massonum, de politico principatu, de civitatum constitutione christiana, de sectis Socialistarum, de praecipuis civium christianorum officiis, de conditione opificum, aliaeque simili argumento. Cumque Nobis esset in summis votis non modo collustrari veritate mentes, sed etiam revocari ad christianarum virtutum cultum voluntates, propterea quantum cohortando praecipiendoque potuimus, nihil fecimus reliqui, ut ad sempiterna adamanda bona excitaremus animos; utpote ad quae omnem vitae referri cursum oporteret. Factumque est, ut bene multi, adiuvante operam Nostram Dei gratia, et firmius in veritate consisterent, et in difficillimis gravissimisque caussis plus viderent, et ardentiore studio inflammarentur ad eam, quae ubique in miseros impenditur, multiformem beneficentiam: ut est nimirum christianae caritatis

ingenium, ad quasvis vulgi se miserias porrigens. Quodsi tamen uberiores capere fructus non licuit, revereamur arcana Dei consilia, Venerabiles Fratres, imploremusque, benignus respiciat tam ingentem hominum numerum, in quos nimium quam convenit illud Apostoli: Deus huius saeculi excaecavit mentes infidelium, ut non fulgeat illis illuminatio evangelii gloriae Christi. || Hi enimvero Ecclesiae, egregium studium populis in omnes partes navantis, tanto cum odio connituntur obscurare existimationem, interpellare operam, ut facile possis tenebrarum filios agnoscere. Itaque in multis fallaciis calumniisque, quibus vulgi imperitiam capiant, et aemulationi serviant imperii, illa malitiosius conficta: Ecclesiam vel scientiae intercipere itinera, vel libertatis impedire usuram, vel in aliena invadentem, iura ad se rapere civitatis. Quae tamen crimina, sicut os adversariorum millies intulit, ita millies ratio, historia, consensus hominum recte sentientium propulsavit.

Inimicam doctrinarum et humanitatis aiunt Ecclesiam. Quasi vero quod tradita divinitus dogmata vigilanter custodit, eo ipso non optimis quibusque disciplinis et artibus fautrix adiutrixque sit. Tantum enim abest ut notitia rerum maximarum, Verbo Deí aperiente accepta, a quo ut a summa veritate quaecumque sunt vera manant, quidquam naturali cognitioni noceat, ut etiam humani ingenii facultatem roborando exacuat, submoto in gravissimis rebus errandi periculo aut ancipiti cogitandi cura. Ceterum exstant in memoria horum undeviginti saeculorum insignia Ecclesiae in omne doctrinae genus promerita, quae falsum convincant. Ecclesiae catholicae laus est, vulgasse et custodisse evangelicam sapientiam; quae si non esset, etiamnum in tenebris superstitionum et barbariae iaceret orbis terrarum: unam curasse ut veterum litterae ne interirent penitus, ad nosque pervenirent: primam populo aperuisse litterarios ludos, eamdemque lycea illa magna instituisse, quae hodie exstant celeberrima: denique in omni genere et varietate artium fovisse homines praestantissimos, ingeniaque scriptorum ad excellentiam sinceramque gloriam excitasse. || Iniquam libertati dicunt Ecclesiam. — Nihil vero minus; siquidem maneat sua vis vocabulo, nec quod nobilissimo naturae muneri ac dono impositum est, id ad pravitatem vitiumque transferatur. Nam quam esse volunt libertatem, ut, nullis legibus frenisque cohibentibus, quod cuique libuerit facere liceat, eam quidem, nedum Ecclesia, nemo sanus probaverit; potestatem vero expeditam largamque ad legis aeternae normam agendi, in quo ipso posita est digna homine utilisque civitati libertas, nemo unus tuetur quam Ecclesia diligentius. Operâ igitur et perseverantia Ecclesiae, in summis doctrinae suae capitibus aequalitatem fraternitatemque omnium inter se hominum defendentis, deletum apud christianas gentes servitutis

dedecus: contra factiones potentium tectae rationes inopum: asserta multo cum sanguine martyrum christiani nominis professio: observata in puero et in foemina humanae personae dignitas et iura: in ipsoque civili et politico libertatis genere plurima populis importata adiumenta. || At, suos praetervecta fines, Ecclesia iura occupat reipublicae. — Imo vero Ecclesiae est celebrata doctrina, praecepisse Christum reddi Caesari quae sunt Caesaris, Deo quae Dei sunt; atque ita alteram inter et alteram potestatem, utramque in suo genere maximam, fixum illud et stabile sanxisse discrimen, quod magnopere ad christianam explicandam urbanitatem valuit. Porro nihil tam alienum ab Ecclesia, quae spiritu caritatis agitur, quam inimice se gerere erga potestatem politicam; cum qua imo studet concordi actione contendere ad eorumdem hominum eiusdemque humanae societatis bonum: quamquam ipsa congruenter suo divino muneri, multo, quam civitas, maiora spectat. Quodsi actio Ecclesiae vacuos omni suspicione animos inveniat, tum demum saluberrimos eos est latura fructus, quos diximus. Sed in quo ipsam reprehendunt tamquam in res civiles involantem, vetus est agnoscenda vituperatio, ob eam caussam usurpata, quod quotquot Ecclesiam opprimerent, id iure se facere videri vellent. Cuique autem sincero aestimatori rerum et iudici testis est locuples historia, iniurias Ecclesiam nullas cuiquam unquam fecisse; plurimas, ad similitudinem Auctoris sui, tolerasse; idque propterea quod non vi et armis valeret, verum opinione et veritate. || Relinquitur, harum et similium insimulationum esse malevolentiam caussam. — Hoc autem nocendi studio et mentiendi facile praestat lucifuga quaedam hominum consociatio, iampridem in medullis ac visceribus civitatis inclusum malum, quod ipsius civitatis vires omnes debilitat frangitque. Perturbationem spirans rerum publicarum, ita est ea quidem constituta, ut sit contraria societas societati civili, in quam dominari e suis ipsa latebris contendit: proptereaque ipsi cum Deo Ecclesiaque Dei naturale quoddam bellum est. Hae tamquam insignes notae satis cuique produnt sectam Massonum, cuius, dedita opera, in Litteris Encyclicis Humanum genus, XII cal. maias anno MDCCCLXXXIV datis, consilia doctrinas facinora exsecuti denuntiando sumus. Longe lateque serpens, iam omnes fere gentes pervasit istius lues exitiosa sectae, quae ceteras sibi cognatas complectitur sectas, occultâque movens machinatione dirigit. Neque id dumtaxat: sed qua multarum utilitatum fructibus asseclas suos pelliciendo, qua magistratus sollicitationibus aut minis flectendo, in omnes iam reipublicae ordines intulit sese: adeo ut respublica specie quidem legitime geri, re vera penes ipsam esse videatur. Haec tamquam spiritu inflata Satanae, qui, ait Apostolus, transfigurat se in angelum lucis, quum humanae communitatis commodis se natam prae-

dicet, in rem suam quidquid potest, convertit; quum nequaquam se spectare ad politica confirmet, maxime se lationi legum gubernationique civitatum miscet; quumque sanctam sibi esse profiteatur maiestatem principum, nec ipsam invisam religionem, id tamquam extremum molitur, quod eius prolata in lucem statuta clamant, principatum sacrumque ordinem perdere, utrumque sibi libertatis hostem. || Itaque in dies magis illud patescit, impulsu praesertim operaque Massonum, sicut iamdiu solitum graviter catholicum exerceri nomen, sic recens ipsius oppugnationem recruduisse. — Et re vera, coortum nuper pluribus locis uno tempore subitum invidiae incendium, nec ullâ satis idonea explorata caussa; similia ubique ad ipsum excitandum instrumenta, videlicet ephemeridum protervitas, turbae concionum, scenicorum petulantia ludorum; eadem via populos commovendi, hoc est falsa atque iniqua insimulatio probrorum: talia profecto similitudinem mentium indicant, unumque ducem. Quamquam, hoc factum partis cuiusdam instar haberi debet ad universam pestiferi belli institutam rationem, quam diximus; quaeque urgetur in id maxime, ut paullatim destituta ab omni de religione doctrina, soboles succrescat incuriosa fidei sanctae aut prorsus incredula; ut assidua procacitate scriptorum christiani expugnentur mores; ut ludibrio habeantur instituta Ecclesiae et sollemnia sacra contemptui.

Quoniam autem Cleri proprium est imbuere religione animos ac ministrare sancta, idcirco elevandae in populo auctoritati gratiaeque Cleri multo vehementior datur opera. Tantoque accrescit audacia homines honestissimos in suspicionem crimenque adducendi eisque iniurias contumeliasque imponendi, quanto est maleficiorum impunitas quotidie maior. Itaque non satis habitum est, addixisse in militiam Clericos, intercepta eorum maturitate tirocinii; aut Ecclesiam spoliasse bonis, piorum in ipsam liberalitate collatis; aut alia indigne fecisse: nova sacer ordo pati detrimenta cogitur. — In primisque familiae et sodalitates religiosorum: quibus, utpote ad evangelica consilia aetatem exigentibus, ea res proprie vitio vertitur, quae civitatum non minus quam religionis praeclarum ornamentum continet. His igitur ea dolemus inique odioseque inusta nuper vulnera, quae nemo frugi quispiam non improbaverit. Nihil ipsis ad defendendam calamitatem valuit morum integritas, illustrior ea quidem quam ut ullis certis criminibus infuscari potuerit; nihil civilium statuta legum, quibus naturale ius honestam quampiam ob caussam coeundi sancitur; nihil memor gratia populi, referentis iis accepta cum magna doctrinarum et artium atque ipsius agrorum culturae incrementa, tum instituta effusissimae in aerumnosam plebem beneficentiae. Ita populares viros foeminasque complures, qui domesticis spretis voluptatibus, ut iuventam in-

genium vires animam denique suam bono communi devoverent, sponte ac voluntate pacificas inierant sodalitates, in tanta copia libertatis vidimus tamen, sicut nocentium contaminatos greges, abire excedere iussos. || At vero mirum non est, ita mulcari male filios pientissimos, quando non lenius agitur cum Patre, hoc est cum Capite ipso catholici nominis, Pontifice romano. Compertas omnibus res loquimur; scilicet ut deturbatus de civili principatu Pontifex, alieni esse arbitrii coeperit, contra quam pertinens ad omnes gentes Apostolici ministerii perfunctio postulat; utque premente dominatu hostili, coactus Romae in Urbe sua continere se in suis aedibus, iniusta indignaque rerum conditione utatur: idque postquam ad ludibrium spopondissent, tutam ipsius et dignitatem et libertatem fore. Novimus ipsi quibus quantisque impedimentis praepediatur opera Sedis Apostolicae, cuius ad minuendam maiestatem ipsa eius consilia perverse interpretari placet. Quotidieque illud magis emergit, eo civilem eversum esse principatum, ut expeditior via esset ad sacram Pontificum evertendam potestatem: quod ceteroquin, missis ambagibus, profiteri qui auctores principesque facinoris fuerant, non dubitarunt. || Id vero contra rem non modo publicam sed socialem quoque esse factum, ex iis quae sequuta sunt, liquet: siquidem naturâ fit, ut coniecta in religionem tela, in humanam recidant societatem. Nam Deus, sicut hominem ad societatem finxit et conformavit, ita providentissimo consilio condidit Ecclesiam, sublimemque locavit, quemadmodum Scriptura loquitur, in monte Sion; unde latissime elucens, multiplices promoveret vires, humanae insitas societati, eamque, caelestium praescriptionum ope, ad consentaneam perfectionem adduceret. Quapropter, si ab Ecclesia cuius virtute magnam partem viget, societas humana secesserit, declinet sane aut ruat necesse est; quippe iis disiunctis rebus, quas Deus voluerit coniunctas. || Haec Nos quidem, tametsi numquam per occasionem praetermisimus, rursus in hoc tempore opportunum censuimus admonendo urgere. Ex quo utinam eum capere fructum liceat, ut et nostri, communis utilitatis caussâ, instituant rectius contendere et animosius; et alieni intelligant, quam sit iniustum maternam Ecclesiae caritatem ac praeclaram in humanum genus beneficentiam odio malefactisque rependere. || Ceterum, sit sane formidolosa imago, quam adumbravimus, horum temporum: non tamen remittendum de spe fiduciaque est, providentissimum Deum tempestivam nobis victoriam aliquando daturum. Nos enimvero dolemus intime, neutiquam timemus Ecclesiae, natae ad vexationes tolerandas, ut initio diximus. Ipsam si Deus vexari exercerique sinit, primum ob eam caussam sinit, ut probet limetque virtutem bonorum; deinde praesentiam auxilii sui demonstrat, per novas nec opinatas vias sospitans ob hostium conspiratione Ecclesiam et producens.

Constat undevicenorum saeculorum experimento, procellas in ipsam tumultuosiores quam perniciosiores solere exsistere.

Atque illud hoc tempore Nos recreat, quod ad fiduciam sustentandam certa rerum argumenta non desunt. Repugnandum difficultatibus est sane gravibus; sed plura nunc eveniunt, unde eluceat Deum persolvere promissa, fidelitate mirabili. Videre licet Ecclesiam, contra tantas adversantium coniuratas vires nullo humanitus praesidio munitam, unam tamen excellere, per assiduosque auctus invalescere in quavis ora ac parte terrarum. Omnino princeps mundi huius, semel a Iesu Christo exclusus, hic iam non dominabitur: urgere mala consilia nocendo potest, perficere non potest. Atque in tanta conversione communium temporum, quantam contraria hominum studia et erumpentes quotidie sectae gignunt, beneficio tribuendum est foventis Ecclesiam Spiritus sancti, si non animos modo piorum sed universitatem catholici nominis mira quaedam securitas tenet: idque ob eam potissimum, quae nunc, si unquam alias, viget inter Episcoporum ordinem et hanc Apostolicam Sedem summa coniunctio. Haec porro coniunctio arctiorem suapte vi facit eoque feraciorem in omni pietatis caritatisque genere, tum Episcoporum cum cetero Clero, tum cum Clero necessitudinem laicorum: qui quidem experrectiores iam inanique omisso pudore certant pro religione dimicare. Istam Nos quidem studiorum concordiam, ut saepe commendavimus adhuc, ita magnopere in praesens commendamus: beneque precamur, ut eo latius increscat, sitque ad retundendos impiorum impetus pro muro inexpugnabili. || Tum proclive erit, tamquam ex arbore surculos, renata virescere sodalitia ex eis institutis non pauca, quae instituta laetissime provenire in Ecclesia cernimus. Neque enim est ullus publicae pietatis ab his neglectus modus, sive quod ad colendum rite Christum et augusta ipsius mysteria, sive quod ad beatissimam Deiparam caelitesque sanctissimos pertinet. Similiter nulla praetermissa beneficentiae ratio: siquidem multiplex ubique impenditur opera erudiendae ad religionem iuventuti, solandis curandisque aegrotis, populorum conformandis moribus, miseris aerumnosisque relevandis. Atqui tamen eiusmodi instituta, ne ad communem salutem celerius uberiusque proficiant, nimium saepe per summam iniuriam prohibentur publice! || Praeterea, cum ita, Dei munere, laetemur Ecclesiam in iis valere regionibus quas ad christianum cultum eductas iam diu possidet, tum etiam laetabilia spei novae se dant indicia. Idque ab industria studioque missionalium, qui nec laboribus victi nec periculis deterriti, in summa rerum omnium inopia, plures quotidie et alacriores, pergunt solidas nationes humanitati Evangelioque acquirere: pergunt constanter; licet, ut Magister divinus, crebris obtrectationum morsibus obnoxii. || Aegritudinum igitur

sensum solatia temperant: atque inter discrimina istius certaminis satis est caussae, cur meliora posthac coniiciendo recreemur. Quam quidem rem quisquis acuto sinceroque indicio apud se reputaverit, intelliget profecto, Deum uti sua instructum ope docuit hominem, quae ad finis ultimi adeptionem facerent, item per Ecclesiam, ipsius manifeste praesidio subnixam, hodie quoque docere, ubi veritas, ubi sit quaerenda salus. || Utumque erit, assidente Ecclesiae Deo, sperandum firmiter est, fore ut, discussa qua nunc obscuratur caligine, lux veritatis opportuno tempore nec ita longo intervallo pulcrior effulgeat, atque humana societas, profligata prope ac perdita, afflante rursus Evangelii spiritu, resurgat. || Nos quidem, Venerabiles Fratres, quae Nostrae sunt partes, omnia conari certum est ad tuendum ac promovendum Dei regnum in terris, si quo modo auspicatissimum adproperare diem liceat. Vos autem in pastorali officio novimus multo esse diligentiores, quam ut a Nobis hortandi sitis. Sed istâ studii vestri flagrantia volumus sacrorum administros magis magisque calescere, socios vobiscum operae et laboris. Hi enim quae populus velit, quibus rebus indigeat, quae mala toleret, quot quantisque insidiis aut corruptelarum illecebris pateat, optime norunt, quippe vivunt cum populo. Quodsi Iesu Christi sensu abunde praediti, despectisque concertationibus politicarum partium, vobiscum una desudaverint, mirum quantum, auxiliante Deo, efficient in multitudine, collustrandis veritate mentibus, animis comitate alliciendis, sollerti caritate afflictam tenuium fortunam sensim sublevando. — In quo multum sane adiumenti conferet Clero actuosa proborum industria laicorum: atque ita quicumque in sinu complexuque Ecclesiae matris alti eductique sunt, omnes, ut gratos filios addecet, honorem ipsius et decora tuebuntur. Ad id autem operis, debitum in primis maximeque ad aeterna frugiferum, nemo non potest aliquid prodesse. Nam exculti doctrinis aut litteris homines possunt vulgandis in Ecclesiae defensionem scriptis, praesertim quotidianis; quod instrumentum perquam efficax in utramque partem, usitatissimum adversariis est: possunt patresfamilias, vel per se vel per praeceptores bonos impertiendis christiana institutione liberis; magistratus etiam quique populi personam gerunt, constantiam recte sentiendi virtutemque retinendo; omnes denique, nullo ad humana iudicia respectu, catholicos sese praestando. — Enimvero sapienter sentire, generose velle, ordine contendere oportet ut cum maxime. Ordinis autem disciplinaeque caput est, obedienter et cum omni fide huius Apostolicae Sedis servare praescripta: ita ut sublatis opinionum dissidiis, illuc communiter tendatur, quod est commune propositum, Iesu Christo in Ecclesia victori sternere iter. || Id laborare catholicos, officium est: laborum exoptatum exitum Ille dabit, amantissimus idemque sapientissimus sponsae suae

immaculatae custos, de quo scriptum exstat: Iesus Christus heri, et hodie: ipse et in saecula. Ipsum igitur nunc quoque imploramus obsecramusque, qui atrocissimam pro humano genere mortem, immensum testatus amorem, ad expiandum oppetiit; quique mysticae navis sedens non visus gubernator in puppi, tot tantosque commotos fluctus potest uno nutu componere. Vosque, Venerabiles Fratres, ad Ipsum eritis Nobiscum supplices, ut hac mole malorum civilem societatem levet; splendorem lucis suae ad eos afferat qui ignoratione potius quam voluntate improba christianum nomen impugnant: robur alacritatemque novam bonis iniiciat: denique pacem et tranquillitatem communibus rebus, dominante rursus veritate iustitiaque, maturet. || Auspicem divinorum munerum vobis, Venerabiles Fratres, et gregi universo curis vestris concredito Apostolicam benedictionem peramanter impertimus. || Datum Romae apud S. Petrum die XIX Martii anno MDCCCCII, Pontificatus Nostri vicesimo quinto.

Leo PP. XIII.

An die ehrwürdigen Brüder, die Patriarchen, Primaten, Erzbischöfe, Bischöfe der katholischen Welt.

Papst Leo XIII.

Ehrwürdige Brüder!
Gruß und Apostolischen Segen!

Beim Eintritt in das 25. Jahr Unseres Apostolischen Amtes staunen Wir selbst über Unsern langen Weg mitten durch schwere und unablässige Sorgen und fühlen Uns gedrängt, die Gedanken zu erheben zum gebenedeiten Gott, der zu so vielen Wohltaten Uns auch noch ein Pontifikat schenken wollte, das in seiner Dauer kaum ein Beispiel in der Geschichte kennt. Zu ihm, dem Vater aller, in dessen Hand die Geschicke Unseres Lebens ruhen, steige daher aus tiefstem Herzen der Lobgesang des Dankes auf. Gewiß, kein menschliches Auge kann die Tiefe des göttlichen Ratschlusses, der Uns ein so unerhofft langes Leben geben wollte, durchdringen, und Wir können ihn hier nur schweigend anbeten; eines jedoch wissen Wir sehr wohl: wenn es ihm gefiel, Unser Leben so lange zu erhalten, und er es noch länger erhalten will, dann obliegt Uns eine sehr hohe Verpflichtung: zu leben für das Wohl und Wachstum seiner reinen Braut, der Kirche; Wir dürfen nicht zurückweichen vor den Sorgen und Mühen, sondern müssen ihr auch den letzten Rest Unserer Kräfte weihen. || Nach diesem schuldigen Tribut der Dankbarkeit an Unsern Vater im Himmel, dem Ruhm und Ehre sei in Ewigkeit, wenden Wir gerne Unsern

Blick zu Euch, Ehrwürdige Brüder, die Ihr vom Heiligen Geiste berufen seid, jeder zur Hirtensorge für einen Teil der Herde Jesu Christi, und darum die Kämpfe und Siege, die Freuden und Leiden des Hirtenamtes mit Uns teilt. Nein, niemals werden Wir die vielen glänzenden Beweise treuer Ergebenheit vergessen, die Ihr während Unseres Pontifikates Uns gegeben und in liebevollem Wetteifer bei der gegenwärtigen Gelegenheit erneuert habt. Innigst mit Euch verbunden durch die Pflicht des Amtes und durch väterliche Liebe haben Wir diese Kundgebungen Eurer Treue mit freudigem Herzen begrüßt, weniger, weil sie Unserer Person gelten, als vielmehr ob der hohen Bedeutung, die sie gewinnen als Beweise der Anhänglichkeit an den Apostolischen Stuhl, welcher da ist das Zentrum und der Angelpunkt aller übrigen Bischofssitze der katholischen Welt. Wenn es jemals nötig war, daß alle hierarchischen Grade der Kirche durch wechselseitige Liebe verbunden, in völliger Gleichheit der Gesinnungen und Bestrebungen wetteiferten, so gilt das gewiß für heute. Denn wer wüßte nichts von jener umfassenden Einigkeit unter den feindlichen Mächten, die jetzt darauf ausgehen, das große Werk Jesu Christi zu zerstören? Mit unbesiegbarer Hartnäckigkeit arbeiten sie daran, auf geistigem Gebiete den Schatz der himmlischen Lehren zu vernichten und in der gesellschaftlichen Ordnung die heiligsten und segensreichsten Einrichtungen des Christentums niederzureißen. Doch Ihr selbst schaut täglich all dies mit eigenen Augen; mehr als einmal habt Ihr Uns Eure Sorgen und Ängsten anvertraut und Klage geführt über das ganze dunkle Chaos von Vorurteilen, falschen Systemen und Irrtümern, die straflos unter den Massen verbreitet werden dürfen. Jeder Tag bringt neue Fallstricke für die Gläubigen, neue Hemmnisse für das segensreiche Wirken der Kirche, um es womöglich ganz lahm zu legen. Ja, zum Schaden fügt man noch den Spott: man wälzt auf die Kirche selber die Schuld zurück und sagt, sie sei außer stande, die alte Kraft wiederzugewinnen und den stürmischen Drang der Leidenschaften zu zügeln, der alles mit Vernichtung bedroht. || Wohl möchten Wir, Ehrwürdige Brüder, lieber über einen angenehmeren Gegenstand zu Euch reden, der besser stimmte zu dem frohen Anlaß, der Uns zum Sprechen drängt. Aber es dulden das weder die schweren Bedrängnisse der Kirche, die dringend Erleichterung fordern, noch die Verhältnisse unserer heutigen Gesellschaft, deren Lage durch das Aufgeben der großen Traditionen des Christentums sowohl in sittlicher als materieller Rücksicht sich immer noch unbefriedigender gestaltet; es ist ja ein Gesetz der Vorsehung — und die Geschichte bestätigt es —, daß man die großen Prinzipien der Religion nicht über Bord werfen kann, ohne die Grundlagen der bürgerlichen Wohlfahrt zu

erschüttern. Unter diesen Umständen ist es wohl angebracht, den Kampf, der zum größten Schaden der Kirche entbrannt ist, in seiner Entstehung zu betrachten, seine Ursachen, seine verschiedenen Formen, seine unheilvollen Folgen darzulegen und auf die Heilmittel dagegen hinzuweisen, um so zu rechter Zeit die Herzen mit Mut und Zuversicht zu erfüllen. Wie oft es auch schon gesagt wurde, gleichwohl wollen Wir es wieder sagen, und weithin erschalle daher Unser Wort und dringe hin nicht nur zu den gläubigen Kindern der katholischen Einheit, sondern ebenso zu den Getrennten und auch zu den Unglücklichen, die nicht glauben, da wir ja alle Kinder desselben Vaters sind und bestimmt für dasselbe höchste Ziel, — und es klinge hinaus als Vermächtnis, das Wir, nur wenige Schritte entfernt von den Pforten der Ewigkeit, mit den heißesten Wünschen für das Wohl der ganzen Welt den Völkern hinterlassen wollen. || Die heilige Kirche Christi hatte zu jeder Zeit Kämpfe und Verfolgungen für Wahrheit und Recht zu bestehen. Von Ihm gestiftet, um in der Welt das Reich Gottes zu verbreiten und durch das Licht des evangelischen Gesetzes die gefallene Menschheit zu einer übernatürlichen Bestimmung zu führen, zur Erwerbung nämlich unvergänglicher von Gott verheißener Güter, die über unsere Kräfte hinausliegen, stieß sie notwendig mit den Leidenschaften zusammen, die in dem zerrütteten und verderbten Heidentum einen fruchtbaren Boden fanden, mit dem Stolz, der Habsucht, dem zügellosen Streben nach Genuß und mit den Lastern und Unordnungen, die aus ihnen entspringen, und denen die Kirche stets den mächtigsten Damm entgegensetzte. Die Tatsache dieser Verfolgungen wird uns auch nicht wundernehmen, da der göttliche Meister sie uns zur Lehre vorherverkündete, und da wir wissen, daß sie so lange dauern werden, als die Welt steht. Denn was sagte er zu seinen Jüngern, als er sie aussandte, den Schatz seiner Lehren zu allen Völkern zu tragen? „Man wird euch verfolgen von Stadt zu Stadt, man wird euch hassen und geringschätzen um meines Namens willen, man wird euch führen vor Richterstühle und zu den schwersten Qualen verurteilen.“ — Und, um uns für die Prüfungen zu stärken, wies er auf sein eigenes Beispiel hin: „Wenn euch die Welt hasset, so wisset, daß sie mich vor euch gehaßt hat“: Si mundus vos odit, scitote quia me priorem vobis odio habuit. Das sind die Freuden, das der Lohn, der uns hienieden versprochen ist.

Eine gerechte und vernünftige Beurteilung der Dinge muß einen so tödlichen Haß gänzlich unbegründet finden. Wem bot denn der göttliche Erlöser je Anlaß zur Klage? Worin hat er sich je vergangen? Dem Drange einer unendlichen Liebe gehorchte er und stieg zu den Menschen

hernieder. Eine Lehre brachte er ihnen, rein und voll erhebenden Trostes, eine Lehre, stark und kräftig genug, aus der Menscheit einen Bund friedlich liebender Brüder zu bilden; kein Verlangen trug er nach irdischer Ehre und Herrlichkeit, nie hat er einen Eingriff getan in fremdes Recht; statt dessen brannte in ihm Liebe zu den Kranken und Schwachen, zu den Armen und Unterdrückten und zu den Sündern; und so war sein ganzer Lebensweg gleichsam übersät mit Wohltaten, die er mit freigebiger Hand den Menschen spendete. Nur ein Übermaß menschlicher Bosheit also, doppelt beklagenswert, weil so erschrecklich ungerecht, kann die Schuld daran tragen, daß der Heiland trotz alledem der Weissagung Simeons gemäß in Wahrheit zum Zeichen des Widerspruches geworden ist: signum cui contradicetur. || Was Wunder also, wenn die katholische Kirche das gleiche Los mit ihm teilt; ihre Aufgabe ist es ja, seine göttliche Sendung fortzusetzen und den Schatz seiner Lehre unversehrt zu bewahren. Die Welt bleibt immer dieselbe. Da sind die Kinder Gottes, und neben ihnen findet auch stets seine Knechte der alte Erbfeind des Menschengeschlechtes. Es ist derjenige, welcher gleich zu Anfang dem Allerhöchsten den Dienst aufkündigte; das Evangelium bezeichnet ihn als den Fürsten dieser Welt; und darum fühlt die Welt gegenüber dem Gesetz und seinem Verkündiger, der im Namen Gottes zu ihr kommt, einen wilden Trotz in sich entbrennen, den Geist einer Unabhängigkeit, auf welche sie kein Recht besitzt. Ja, wie oft schloß sich nicht in stürmischeren Tagen der Feind zusammen und nahm mit unerhörter Grausamkeit, mit empörender Ungerechtigkeit den törichten Kampf gegen Gottes Werk auf zum Unheile der ganzen Menschheit! Und wenn eine Form der Verfolgung nicht zum Ziele verhalf, versuchte er es mit einer andern. Das römische Reich griff zur rohen Gewalt und mißbrauchte sie drei Jahrhunderte lang, so daß schließlich all seine Provinzen im Schmuck der Märtyrer strahlten und hier im heiligen Rom jeder Fußbreit Erde ihr Blut trank. Ein Helfershelfer fand sich in der Irrlehre bald versteckt, bald offen; durch Trugschlüsse und durch geheime Ränke suchte sie wenigstens die Eintracht und Einheit in der Kirche zu vernichten. Gleich darauf brachen wie ein verheerendes Unwetter von Nord die Horden der Völkerwanderung, von Süd die Scharen des Islam herein, die nichts hinter sich zurückließen als Trümmer und Wüsteneien. So hatte sich der traurige Haß gegen die Braut Christi von einem Jahrhundert auf das andere vererbt; und nun trat ein Cäsarismus in die Geschichte ein. Argwöhnisch und gewalttätig, eifersüchtig auf fremde Größe, mochte auch die eigne noch so viel durch sie gewinnen, richtet er einen Angriff nach dem andern gegen die Kirche, sucht ihre Freiheit zu knebeln,

ihre Rechte sich selber anzumaßen. Das Herz blutet, wenn es die Kirche dadurch so oft in Bedrängnis und unsäglichen Kummer versetzt sieht. Und dennoch triumphiert sie über alle Hindernisse, über allen Druck roher Gewalt. Weiter und weiter spannt sie ihr friedliches Gezelt, sie wahrt das glorreiche Erbteil der Künste und Wissenschaften, der Geschichte und Literatur. Tief senkte sie der menschlichen Gesellschaft ins Herz hinein den Geist des Evangeliums und schuf so eben jene Kultur, welche die christliche heißt. Sie brachte den Völkern, die sich ihrem wohltätigen Einflusse unterwarfen, gerechte Gesetze und milde Sitten, sicherte den Schwachen Schutz, den Armen und Unglücklichen mitleidige Liebe, lehrte Würde und Recht eines jeden achten und verschaffte dadurch, soweit es in den Stürmen des Menschenlebens möglich ist, der bürgerlichen Gesellschaft jenen Frieden, der erblüht, wenn Freiheit und Recht in schönem Einklang stehen. || Allein trotz dieser Beweise für ihre innere Kraft und Würde, die im Lauf der Jahrhunderte so klar und großartig hervorleuchten, sehen wir auch noch in späterer Zeit, nicht nur im christlichen Altertum und im Mittelalter, die Kirche in Kämpfe verwickelt, die in gewisser Hinsicht noch härter und schmerzlicher sind. Infolge einer Reihe allbekannter geschichtlicher Tatsachen suchte die sogenannte Reformation des 16. Jahrhunderts, unter dem Banner der Empörung durch ihren wilden Kampf gegen das Papsttum die Kirche im Herzen zu treffen. Das Band eines Glaubens und einer einzigen obersten Gewalt hatte bis dahin die Völker sorglich und sicher unter dem Dache eines Gezeltes geeint; die Einmütigkeit im Denken und Wollen hatte oft ihre Kraft verdoppelt, ihr Ansehen, den zauberischen Klang ihres Namens gehoben. Da ward dies Band der alten Einheit zersprengt, und nun suchte eine traurige und unheilvolle Spaltung die Christenheit heim. Wir wollen dabei nicht sagen, daß man von Anfang an damit umging, den Einfluß der übernatürlichen Wahrheiten ganz aus der Welt zu schaffen. Aber weil man einmal das Vorrecht des Apostolischen Stuhles verwarf, auf welchem die Einheit durchaus beruht, und anderseits den Grundsatz der freien Forschung aufstellte, wurde der Gottesbau der Kirche in seinen Grundfesten erschüttert und ungezählten Neuerungen, Zweifeln und Widersprüchen, sogar auf den wichtigsten Gebieten, Tür und Tor geöffnet, dergestalt daß die Neuerer selbst ihre Erwartungen noch übertroffen sahen. || Die Bahn war also gebrochen, und nun gesellte sich die falsche Philosophie des 18. Jahrhunderts mit ihrem Hochmut und ihrer Spottsucht hinzu und ging noch weiter. Sie müht sich, die Heilige Schrift lächerlich zu machen, und verwirft kurzweg alle göttlich geoffenbarte Wahrheit. Ihr Endziel ist, den Glauben, ja jeden Hauch

christlichen Geistes im Herzen der Völker zu ersticken. Dieser Quelle entsprangen die Systeme des Rationalismus und Pantheismus, des Naturalismus und Materialismus mit ihrer verderblichen, zersetzenden Wirkung, übrigens alte Irrtümer, die man im neuen Gewande wieder einführte; denn von den Vätern und Apologeten der ersten christlichen Zeiten sind sie längst siegreich widerlegt. Aber die Neuzeit läßt sich durch ihren Stolz irreleiten, da sie über Gebühr der eigenen Einsicht vertraut, und verkennt, in die Irrtümer des Heidentums zurückfallend, sogar die Vorzüge der menschlichen Seele und ihre ewige Bestimmung. || Der Kampf gegen die Kirche nahm so eine bedenklichere Form an als in der voraufgegangenen Zeit, und ein ebenso heftiges als allgemeines Sturmlaufen begann. Denn der Unglaube unserer Tage begnügt sich nicht damit, nur die eine oder andere Glaubenswahrheit zu bezweifeln oder zu leugnen, er richtet vielmehr seine Angriffe gegen die von der Offenbarung geheiligten und von einer gesunden Philosophie gestützten Prinzipien in ihrem ganzen Umfang, jene heiligen und grundlegenden Prinzipien, die den Menschen über den Endzweck seines Daseins aufklären, die ihn auf dem Wege der Pflicht erhalten, die ihm Mut und Ergebung einflößen und dadurch, daß sie ihm volle Gerechtigkeit und vollkommenes Glück jenseits des Grabes versprechen, ihn lehren, die Zeit der Ewigkeit, die Erde dem Himmel unterzuordnen. Und was setzt man an die Stelle dieser Lehren, dieser unvergleichlichen Kraft des Glaubens? Einen erschreckenden Skeptizismus, der die Herzen mit eisiger Kälte erfüllt und jede edle Regung des Gewissens unterdrückt. || Und solche unheilvolle Lehren blieben nicht bloße Lehren; wie Ihr, Ehrwürdige Brüder, seht, drangen sie nur zu sehr ein in das öffentliche Leben und in die staatlichen Einrichtungen. Große und mächtige Staaten setzen sie fortwährend in das praktische Leben um, in der Meinung, auf diese Weise den allgemeinen Kulturfortschritt zu fördern, und gleich als ob die Träger der öffentlichen Gewalt nicht alle gesunden Grundsätze des sittlichen Lebens annehmen und in sich selbst widerspiegeln müßten, glauben sie sich vielmehr frei von der Pflicht, Gott öffentlich zu verehren; und nur zu oft kommt es vor, daß sie unter dem prahlenden Vorgeben einer vollständigen Indifferenz gegen alle Religion gerade die allein von Gott gesetzte Religion mit allen Mitteln bekämpfen.| Ein solches System von praktischem Atheismus mußte notwendig eine tiefgehende Zerrüttung der sittlichen Ordnung hervorrufen, da ja die Religion das Hauptfundament jeder Gerechtigkeit und Sittlichkeit ist, wie schon die großen Weisen des heidnischen Altertums richtig erkannten; denn wenn einmal die Bande gelöst sind, die den Menschen mit Gott, dem obersten Gesetzgeber und Richter aller Menschen, verbinden, so gibt

es nur mehr eine scheinbare, rein diesseitige, religionslose, oder, wie man sagt, unabhängige Moral, die dadurch, daß sie von dem ewigen Gesetze und den göttlichen Geboten absieht, ganz unausbleiblich auf der abschüssigen Bahn bis zur letzten und unheilvollen Folgerung führt, nach welcher der Mensch sein eigener Gesetzgeber ist. Der Mensch, unfähig, sich auf den Flügeln der christlichen Hoffnung zu übernatürlichen Gütern emporzuschwingen, wird das ganze Maß der Freuden und Bequemlichkeiten des Lebens genießen; es wächst der Durst nach Vergnügungen, die Sucht nach Reichtum, die gierige Hast nach maßlosem Gewinn ohne Rücksicht auf Recht und Billigkeit, es entbrennt der Ehrgeiz und verlangt mit Ungestüm Befriedigung, wenn auch gegen alle Gesetze, und schließlich wird die Verachtung der Gesetze und der öffentlichen Autorität und eine allgemeine Sittenlosigkeit einreißen, die den Niedergang der Kultur nach sich zieht.

Übertreiben Wir vielleicht die traurigen Folgen der beklagenswerten Zerrüttung? Nein, handgreiflich bestätigt die Wirklichkeit nur zu sehr unsere Folgerungen, und es ist klar, falls man nicht zur rechten Zeit Abhilfe schafft, werden die Grundfesten des bürgerlichen Lebens wanken mit den höchsten Prinzipien des Rechtes und den ewigen Gesetzen der Moral. Darunter hatten, angefangen mit der Familie, alle Teile des sozialen Körpers schwer zu leiden. Der religionslose Staat streckte ja ohne Rücksicht auf die ihm gezogenen Grenzen oder auf den wesentlichen Zweck seiner Machtbefugnisse seine Hand aus, um dem ehelichen Bund mit dem religiösen Charakter seine Heiligkeit zu nehmen; er erlaubte sich alle möglichen Eingriffe in das natürliche Recht der Eltern auf Erziehung ihrer Kinder, und mancherorts zerriß er das unauflösliche Band der ehelichen Gemeinschaft durch die gesetzliche Sanktionierung der unseligen Ehescheidung. Jedermann sieht ein, welche Früchte ein solches Verfahren zeitigen muß; in ganz unglaublicher Weise mehren sich die Ehen, die einzig und allein aus niedrigen Leidenschaften eingegangen und darum auch in kurzer Zeit wieder gelöst werden, oder doch unnennbare Trauer im Gefolge haben oder ärgerniserregende Untreue, gar nicht zu sprechen von den unschuldigen Kindern, die vernachlässigt oder durch das schlechte Beispiel der Eltern verdorben oder durch den offiziell religionslosen Staat im Herzen vergiftet werden. || Und mit der Familie zerfällt auch die soziale und politische Ordnung; der Grund dafür liegt vor allem in den neuen Ideen, die den rechten Begriff der Herrschergewalt durch falsche Herleitung seines Ursprungs verkehren. Und in der Tat, einmal angenommen, daß die Regierungsgewalt ihrem Wesen nach sich auf den Volkswillen und nicht auf Gott, den letzten und ewigen Grund jeglicher Gewalt, zurückführe, so verliert sie vor den Untertanen ihren erhabensten

Charakter und artet aus in ein künstliches Regiment, das sich auf ein so wankendes und unzuverlässiges Fundament stützt, wie es der menschliche Wille ist. Sieht man vielleicht nicht bereits die Folgen in den Staatsgesetzen? Nur zu oft stellen sie nicht die „geschriebene Vernunft“, sondern einzig und allein die numerische Macht und das Übergewicht einer politischen Partei dar. Ebendeshalb schmeichelt man den ungebundenen Begierden der Massen, läßt den Volksleidenschaften die Zügel schießen, selbst wenn sie die friedliche Bürgerarbeit stören, nur, daß man im äußersten Falle zu gewaltsamen und blutigen Unterdrückungen seine Zuflucht nimmt. || Ebenso gewann mit der Zurückweisung des Christentums, das ja die Kraft in sich trägt, die Völker zu verbrüdern und sie gleichsam zu einer großen Familie zusammenzuschließen, nach und nach im Völkerleben ein System von Egoismus und Eifersucht die Oberhand, infolgedessen die Nationen einander, wenn auch nicht gerade feindselig, so doch mit dem argwöhnischen Auge des Nebenbuhlers betrachten. Daher sind sie denn auch gar leicht versucht, den hohen Begriff der Sittlichkeit und Gerechtigkeit und den Schutz der Schwachen und Unterdrückten bei ihren Unternehmungen außer acht zu lassen; im Verlangen, den Nationalreichtum ins Ungemessene zu steigern, kennen sie nur Opportunitäts- und Nützlichkeitsrücksichten und die Politik der vollendeten Tatsachen, sicher, von keinem zur Achtung des Rechtes gemahnt zu werden. Unheilvolle Anschauungen, welche die materielle Macht als höchstes Gesetz aufstellen: daher die stets voranschreitende und maßlose Vermehrung der Kriegsrüstungen, oder besser jener bewaffnete Friede, dessen verderbliche Wirkungen in vieler Hinsicht den schlimmsten Folgen des Krieges gleichkommen. || Und die beklagte sittliche Zerrüttung wurde der Same, aus dem Unsicherheit im Volke, Unzufriedenheit und der Geist der Widersetzlichkeit entsprangen; daher so viele Ungesetzlichkeiten und Unruhen, welche die Vorboten schlimmerer Stürme sind. Die elende Lage eines so großen Teiles des niederen Volkes, das sicherlich auf Erlösung und Erleichterung Anspruch hat, dient indes vorzüglich den Absichten geschickter Agitatoren, vor allem denen der sozialistischen Parteien, die dem Volke törichte Versprechungen machen, um die verwegensten Pläne durchzusetzen. || Eine Bewegung auf abschüssiger Bahn geht unaufhaltsam bis zum tiefsten Punkte, und so sehen wir auch hier, wie die Prinzipien mit logischer Notwendigkeit sich rächten, indem so eine wahre Gesellschaft von Verbrechern herangebildet wurde, die ihren rohen Trieben freien Lauf lassen, eine Gesellschaft, die seit ihrem ersten Auftreten das größte Entsetzen wachrief. Dank ihrer festen und internationalen Organisation vermag sie schon überall unbehindert die ruchlose Hand zu

erheben und schrickt selbst vor der äußersten Gewalttat nicht zurück. Ihre Anhänger zerreißen jegliche Bande, die Gesellschaft, Gesetz, Religion und Moral geknüpft haben; sie nennen sich Anarchisten und betreiben mit allen Mitteln, die eine blinde, wilde Leidenschaft eingeben kann, den Umsturz der gesellschaftlichen Ordnung, und weil diese Ordnung Einheit und Leben von der Autorität erhält, sind ihre Anschläge vorzüglich gegen diese gerichtet. Wer erinnert sich nicht mit Schaudern und Entrüstung jener mörderischen Angriffe, denen im Verlaufe weniger Jahre Kaiser, Kaiserinnen, Könige und Präsidenten mächtiger Republiken zum Opfer gefallen sind, einzig deswegen, weil sie die höchste Autorität vertraten. || Angesichts solcher Tatsachen und Gefahren ist es unsere Pflicht, alle, die guten Willens sind, besonders die eine führende Stellung einnehmen, von neuem zu ermahnen und zu beschwören, auf geeignete Gegenmaßregeln zu sinnen und sie mit kluger Energie ins Werk zu setzen. Dabei handelt es sich vor allem darum, sie zu erkennen und auf ihre Stärke zu prüfen. Wir hörten schon die Segnungen der Freiheit bis zum Himmel erheben und sie als das unvergleichliche Heilmittel anpreisen, das vor allem anderen Frieden und Wohlfahrt bringen solle. Aber die Tatsachen haben ihre Unzulänglichkeit an den Tag gebracht. Wirtschaftliche Konflikte, Klassenkämpfe sind überall entbrannt, und von einem ruhigen bürgerlichen Leben gewahrt man noch nicht einmal die Anfänge. Im Gegenteil, alle können bezeugen, daß die Freiheit, wie man sie heute versteht, der Wahrheit und dem Irrtum, der guten und schlechten Sache in gleicher Weise gewährt, nur alles Edle und Heilige niedergetreten, dagegen dem Verbrechen, dem Selbstmord und der Entfesselung der niedrigsten Leidenschaften die Bahn freigegeben hat.

Man hat auch behauptet, eine Verbesserung des Unterrichts, welche die große Menge gebildet und aufgeklärt mache, würde sie in genügender Weise vor ungesunden Bestrebungen bewahren und innerhalb der Schranken der Ehrbarkeit und Rechtlichkeit halten. Wenn nur nicht die rauhe Wirklichkeit uns jeden Tag mit Händen greifen ließe, wohin es mit der Bildung führt, wenn dabei eine gediegene religiöse und sittliche Erziehung mangelt. Der jugendliche Sinn, unerfahren und von den Leidenschaften umtobt, läßt sich durch die falschen Grundsätze blenden, die eine zügellose Tagespresse ungescheut mit vollen Händen aussät, die Verstand und Herz verderben und jenen Geist des Hochmuts und der Unbotmäßigkeit nähren, der so oft den häuslichen und öffentlichen Frieden stört. || Große Hoffnungen setzte man auch in den wissenschaftlichen Fortschritt; und das letzte Jahrhundert hat hierin sicherlich Unerwartetes und Wunderbares aufzuweisen. Aber haben sie auch jene reichen Früchte

gebracht, jene von so vielen ersehnte und gehoffte Erneuerung? Wohl hat die Wissenschaft in ihrem Fluge dem Menschengeiste neue Welten erschlossen, seine Herrschaft über die Natur erweitert, und in tausendfacher Weise hat man diese Errungenschaften im Leben verwertet. Dennoch empfinden es alle, und von vielen kann man das Geständnis hören, daß die Erfolge hinter den Erwartungen weit zurückgeblieben sind. Man kann nicht anders urteilen, wenn man die geistigen und sittlichen Zustände sich vergegenwärtigt, die Statistik der Verbrechen, die dumpfe Gärung in den untersten Schichten der Bevölkerung, die Herrschaft der rohen Gewalt über das Recht. Abgesehen von dem Elend des Volkes, genügt auch schon ein nur flüchtiger Blick, um die unsagbare Traurigkeit zu gewahren, die auf den Gemütern lastet, und die tiefe Öde in den Herzen. Der Mensch wußte die Materie sich dienstbar zu machen, aber sie konnte ihm nicht geben, was sie selbst nicht besaß, und die großen Fragen, die seine höchsten Interessen betreffen, hat die menschliche Wissenschaft nicht gelöst; der Durst nach dem Wahren, dem Guten, dem Unendlichen bleibt ungestillt, und die gemehrten Schätze und Freuden der Erde sowie die erhöhten Bequemlichkeiten des Lebens haben die Unruhe des Herzens keineswegs gemindert. || Sollen also die Errungenschaften der Wissenschaft, der Kultur, einer gemäßigten und vernünftigen Freiheit mißachtet oder ignoriert werden? Mit nichten: Wir müssen sie im Gegenteil wahren und fördern und hochhalten als ein wertvolles Kapital; sind sie doch ebensoviele von Natur aus gute Mittel, von Gott selbst gewollt und auf das Wohl der Gesellschaft hingeordnet. Sie sind aber nur den Absichten des Schöpfers gemäß zu gebrauchen und dürfen dabei nicht von dem religiösen Elemente losgetrennt werden, denn in ihm ruht ja die Kraft, die ihnen ihren Wert verleiht und sie wahrhaft fruchtbar macht. Hier liegt das Geheimnis des Problems. Jede Schwächung und Zerrüttung eines Organismus hat ihren Grund im Aufhören des Einflusses jener Ursachen, die ihm Form und Bestand geben, und um ihm wieder frisches, gesundes Leben einzuflößen, müssen ohne Zweifel jene belebenden Kräfte in ihm wieder wirksam gemacht werden. Nun, in dem sinnlosen Versuch, von Gott sich loszureißen, hat die bürgerliche Gesellschaft das Übernatürliche und die göttliche Offenbarung verworfen und sich so der lebenspendenden Kraft des Christentums entzogen und damit der sichersten Bürgschaft für die Ordnung, dem mächtigsten Bande der Verbrüderung, der unversieglichen Quelle jeglicher Tugend für den Einzelnen wie für die Gesellschaft: auf diesen törichten Abfall führt sich die Zerrüttung im praktischen Leben zurück. In den Schoß des Christentums also muß die in die Irre gegangene Gesellschaft zurückkehren, wenn

ihr an Ruhe und Wohlfahrt etwas gelegen ist. — Wie das Christentum in keine Seele Einkehr hält, ohne sie zu vervollkommnen, so tritt es auch in das öffentliche Leben eines Staates nicht ein, ohne die Ordnung neu zu kräftigen; mit der Idee einer weisen Vorsehung, eines unendlich guten und gerechten Gottes, pflanzt es das Pflichtgefühl in das Gewissen, versüßt die Leiden, besänftigt das erregte Herz und lehrt heldenmütige Tugend üben. Wenn es die heidnischen Völker umzuwandeln vermochte — und eine solche Umwandlung bedeutete eine wahre Erweckung vom Tode zum Leben — dergestalt, daß die Barbarei so weit zurückwich, als das Christentum vordrang, so wird es in gleicher Weise auch heute nach den schrecklichen Erschütterungen durch den Unglauben die Völker und Staaten wieder in die Bahn der Ordnung zurück zu geleiten vermögen. — Aber noch ist nicht alles gesagt. Die Rückkehr zum Christentum wird kein wahres und vollkommenes Heilmittel sein, wenn sie nicht Rückkehr und Liebe bedeutet zu der einen, heiligen, katholischen, apostolischen Kirche. Denn das Christentum ist verwirklicht und verkörpert in der katholischen Kirche, einer ganz geistlichen und vollkommenen Gesellschaft, die der mystische Leib Christi ist und zu ihrem sichtbaren Oberhaupt den Papst hat, den Nachfolger des Apostelfürsten. Sie setzt als die Tochter und Erbin des Erlösungswerkes die Sendung des Heilandes fort; sie verbreitete das Evangelium über die Erde und verteidigte es mit ihrem Blute, und im Vertrauen auf die ihr verheißene göttliche Hilfe und immerwährende Dauer erfüllt sie, ohne jemals mit dem Irrtum zu paktieren, den ihr gewordenen Auftrag, die Lehre Christi unverfälscht bis zum letzten der Jahrhunderte zu bewahren. — Als die berufene Lehrerin der Sittenlehre des Evangeliums wird sie nicht nur die Trösterin und Retterin der Seelen, sondern auch eine unversiegbare Quelle für Gerechtigkeit und Liebe, und Vorkämpferin und Hüterin der wahren Freiheit und der Gleichheit, soweit sie überhaupt möglich ist. Indem sie die Lehre ihres göttlichen Stifters zur Anwendung bringt, hält sie bei allen Rechten und Vorrechten der einzelnen Teile der Gesellschaft in weiser Unparteilichkeit die rechten Grenzen aufrecht. Die Gleichheit, die sie verkündet, läßt die offenbar in der Natur begründeten Standesunterschiede unangetastet; die Freiheit, die sie der von Vernunft und Glauben emanzipierten und sich selbst überlassenen Anarchie gegenüber verkündet, verletzt nicht die Rechte der Wahrheit, die höher stehen als die der Freiheit, nicht die der Gerechtigkeit, die höher stehen als die der Majorität und der Gewalt, nicht die Rechte Gottes, die höher stehen als Menschenrechte. || Nicht minder zahlreich sind ihre segensreichen Wirkungen im Familienleben. Denn nicht nur steht sie fest

gegen alle Ränke, mit denen frecher Unglaube dasselbe bedroht, sie begründet und behütet auch den Ehebund und seine Unauflöslichkeit, schützt und fördert in ihm Ehrbarkeit, Treue und Heiligkeit. In gleicher Weise gibt sie der bürgerlichen und staatlichen Ordnung Stütze und festen Halt; denn einerseits hebt sie wirksam die Autorität und steht anderseits doch vernünftigen und berechtigten Reformbestrebungen der Untertanen wohlwollend gegenüber; sie macht Ehrfurcht und Gehorsam gegen die Obrigkeit zur Pflicht und verteidigt stets und überall die unveräußerlichen Rechte des Gewissens. So wird der Gehorsam gegen die Kirche die Völker gleich fern halten von Knechtschaft und Despotismus. ‖ Gerade im Hinblick auf die göttliche Kraft war es seit Beginn Unseres Pontifikates Unser eifriges Bemühen, den wohltätigen Einfluß der Bestrebungen der Kirche in das rechte Licht zu stellen und mit dem Schatz ihrer Lehre auch ihre segensreiche Wirksamkeit möglichst weit auszubreiten. Und diesem Zweck galten auch die hauptsächlichsten Erlasse in Unserem Pontifikate, im besonderen die Enzykliken über die christliche Philosophie, die menschliche Freiheit, die christliche Ehe, die Freimaurerei, die öffentliche Gewalt, die christliche Staatsordnung, den Sozialismus, die Arbeiterfrage, die Hauptpflichten eines christlichen Bürgers und über verwandte Gegenstände. Indes beabsichtigten Wir nicht nur dem Verstande Licht und Aufklärung zu bringen, sondern Unser heißester Wunsch ging dahin, auf die Herzen zu wirken, sie zu läutern und durch Unser Bemühen die christlichen Tugenden unter den Völkern aufblühen zu sehen. Wir ließen daher nicht ab, zu mahnen und zu raten, um den Sinn der Gläubigen auf die unvergänglichen Güter hinzulenken und sie so die Hinordnung des Materiellen auf das Geistige, des Menschen auf Gott, der irdischen Pilgerfahrt auf das ewige Leben zu lehren. Gesegnet von dem Herrn, konnte Unser Wort dazu beitragen, die Überzeugung vieler zu stärken, sie besser aufzuklären in den schwierigen Fragen der Gegenwart, ihren Eifer anzuspornen und die verschiedenartigen Werke, die in allen Ländern entstanden und noch entstehen, besonders zum Wohle der enterbten Klassen zu befördern, indem es jene christliche Liebe wieder wachrief, die ihr Lieblingsfeld inmitten des Volkes findet. Wenn die Ernte, Ehrwürdige Brüder, nicht reichlicher war, so wollen wir Gott in den Geheimnissen seiner Gerechtigkeit anbeten und ihn anflehen, sich der Blindheit so vieler und vieler zu erbarmen, auf welche leider die bange Klage des Apostels ihre Anwendung findet: Deus huius saeculi excaecavit mentes infidelium, ut non fulgeat illis illuminatio evangelii gloriae Christi: „Der Gott dieser Welt hat die Herzen der Ungläubigen verblendet, daß ihnen die Erleuchtung des Evangeliums der Herrlichkeit Christi nicht strahle.“ |

In dem Maße aber, wie die katholische Kirche ihren Eifer für das sittliche und äußere Wohl der Völker entfaltet, erheben sich leider mit Neid wider sie die Söhne der Finsternis und lassen kein Mittel unversucht, um den Glanz ihrer göttlichen Schönheit zu verdunkeln und ihre belebende und erlösende Tätigkeit zu hemmen. Wieviel Trugschlüsse bringen sie vor, wieviel Verleumdungen! Und einer ihrer heimtückischsten Kunstgriffe ist es, die Kirche vor unerfahrenen Massen und argwöhnischen Regierungen als Gegnerin des wissenschaftlichen Fortschrittes, als Feindin der Freiheit darzustellen, als solche, die sich die Rechte des Staates anmaßt und sich Eingriffe erlaubt in das Gebiet der Politik. Törichte Anklagen, tausendmal wiederholt, und tausendmal widerlegt von der Vernunft, von der Geschichte und durch das übereinstimmende Zeugnis aller rechtschaffenen Männer und aller Freunde der Wahrheit!

Die Kirche Feindin der Wissenschaft und der Kultur? — Gewiß, sie ist eine wachsame Hüterin des geoffenbarten Glaubensschatzes; aber diese Wachsamkeit macht sie nur zu einer hochverdienten Gönnerin der Wissenschaft und zur Pflegerin jeder wahren Kultur. Nein, dadurch daß der Geist sich den Offenbarungen des göttlichen Wortes erschließt, das da ist die höchste Wahrheit und der Urgrund aller Wahrheit, wird man nie und nimmer der Vernunfterkenntnis ihr Recht kümmern; vielmehr werden die Strahlen aus der göttlichen Welt in allen Fällen dem menschlichen Verstande sogar noch Stärke und Klarheit geben, indem sie ihn in den wichtigeren Fragen vor quälender Unsicherheit und Irrtum bewahren. Neunzehn Jahrhunderte des Ruhmes übrigens, den der Katholizismus in allen Zweigen des Wissens sich erwarb, genügen vollauf, um diese unwahre Behauptung zu zerstören. Der katholischen Kirche gebührt in der Tat das Verdienst, die christliche Weisheit, ohne welche die Welt noch in der Finsternis des heidnischen Aberglaubens und in niedriger Barbarei läge, verbreitet und verteidigt zu haben, ihr die kostbaren Schätze der Literatur und der Wissenschaft des Altertums erhalten und der Nachwelt überliefert, die ersten Volksschulen eröffnet und Universitäten geschaffen zu haben, die noch in unseren Tagen in ihrem alten Ruhme bestehen; endlich hat sie das Verdienst, den berühmtesten Künstlern ihre Hand geboten und sie in ihren Schutz genommen und der Literatur die höchsten, reinsten und ruhmwürdigsten Ideen eingegeben zu haben. ‖ Die Kirche die Feindin der Freiheit? — Wie verdreht man doch einen Begriff, der eines der kostbarsten Geschenke Gottes in sich schließt und nun dazu dienen muß, um Mißbräuche und Zügellosigkeit zu rechtfertigen. Wenn man unter Freiheit Gesetzlosigkeit versteht und ungebundene Willkür, so wird sie sicherlich ihre Verurteilung bei der Kirche wie bei

jedem Ehrenmanne finden; aber wenn man unter Freiheit das vernunftgemäße Recht versteht, überall ungehindert nach der Richtschnur des ewigen Gesetzes das Gute zu wirken — worin ja gerade die Freiheit bestehen muß, wenn sie der Menschen würdig sein und der Gesellschaft nützen soll —, wenn man so die Freiheit auffaßt, so begünstigt, fördert und schirmt sie niemand mehr als die Kirche. Sie war es ja, die durch ihre Lehre und ihr Wirken die Menschheit von dem Druck der Sklaverei befreite, indem sie das große Gesetz der Gleichheit und Brüderlichkeit unter den Menschen verkündete; sie trat zu allen Zeiten als Schirmerin der Schwachen und Unterdrückten gegen die Übermacht der Gewaltigen auf; sie bezahlte die Freiheit des christlichen Gewissens mit dem teuren Preis des Märtyrerblutes; sie gab dem Kinde und der Frau die Würde ihrer natürlichen Stellung wieder, gesellschaftliche Gleichberechtigung und Achtung; sie hat mitgeholfen, die bürgerliche und staatliche Freiheit der Völker zu schaffen und aufrecht zu erhalten. || Die Kirche maßt sich die Rechte des Staates an und greift hinüber in das politische Gebiet? — Aber die Kirche weiß ja und lehrt, daß ihr göttlicher Stifter befahl dem Kaiser zu geben, was des Kaisers ist, und Gott zu geben, was Gottes ist, und so die unabänderliche und ewige Scheidung der zwei Gewalten festsetzte, deren jede innerhalb ihres eigenen Gebietes vollkommen unabhängig ist; eine glückliche Scheidung, die in so großem Maße Teil hatte an der Entfaltung der christlichen Kultur. Ihrem Geist der Liebe liegt jede feindliche Absicht fern; sie will nur neben dem Staate dastehen, um ihre Tätigkeit zwar demselben Menschen und derselben Gesellschaft zuzuwenden, aber in der Weise und in der hohen Absicht, welche ihrer göttlichen Sendung entspricht. Wo man ihr Werk ohne Argwohn aufnähme, würde sie nur die Erreichung der unzähligen oben genannten Vorteile erleichtern. Die Annahme selbstsüchtiger Zwecke bei der Kirche ist nichts anderes als eine alte Verleumdung, deren ihre mächtigen Feinde sich als Vorwand bedienten, um ihre Verfolgungen zu beschönigen; und die Geschichte, vorurteilsfrei betrachtet, bezeugt es vollauf, daß die Kirche, statt jemals den Versuch zu Vergewaltigungen zu machen, vielmehr selber nach dem Bilde ihres göttlichen Stifters oft das Opfer von Vergewaltigungen und Ungerechtigkeiten geworden ist, und das gerade deshalb, weil ihre Stärke in der Macht des Gedankens und der Wahrheit, nicht der Waffen liegt. || Solche und ähnliche Beschuldigungen entspringen also aus reiner Böswilligkeit. Und bei diesem unredlichen und verderblichen Werke geht den anderen eine im Dunkeln arbeitende Vereinigung voran, welche sich in der Gesellschaft seit langen Jahren wie eine tödliche Krankheit festgesetzt hat und ihre Gesundheit und Lebens-

kraft zerstört. Die beständige Verkörperung der Revolution — so ist sie das Zerrbild einer Gesellschaft, deren Zweck ist, die zu Recht bestehende Gesellschaft im geheimen zu regieren, und ihr ganzes Sein geht im Kriege gegen Gott und seine Kirche auf. Es wäre nicht einmal nötig, sie beim Namen zu nennen; denn alle denken bei dieser Schilderung an die Freimaurerei, von der Wir ausdrücklich in Unserer Enzyklika Humanum genus vom 20. April 1884 gesprochen haben, wo Wir ihre schädlichen Bestrebungen, ihre falschen Lehren, ihre nichtswürdigen Taten aufdeckten. Dieser Verein, welcher mit einem Riesennetze fast alle Nationen umspannt und sich mit anderen Geheimbünden vereint, die er dann durch verborgene Fäden in Bewegung setzt — dieser Verein hat dadurch, daß er seine Anhänger durch die Vorteile, die er ihnen verschafft, anlockt, daß er die leitenden Kreise bald durch Versprechungen, bald durch Drohungen nach seinen Absichten lenkt, es dahin gebracht, daß er in alle Gesellschaftsklassen eingedrungen ist und sozusagen einen unsichtbaren und unverantwortlichen Staat im gesetzlichen Staate bildet. Beseelt vom Geiste des Satans, der sich, wie der Apostel sagt, bei Gelegenheit in einen Engel des Lichtes zu verwandeln weiß, brüstet er sich mit seinen Humanitätsbestrebungen, beutet aber alles für den Zweck des Geheimbundes aus, und während er behauptet, keine politischen Ziele im Auge zu haben, entfaltet er eine weitgreifende Tätigkeit in der Gesetzgebung und der Staatsverwaltung; während er äußerlich die bestehende Obrigkeit und selbst die Religion respektiert, strebt er als höchstes Ziel — und seine eigenen Statuten bestätigen dies — die Vernichtung von Staat und Kirche an, die ihm als Feinde der Freiheit gelten. ‖ Es stellt sich immer klarer heraus, daß dem geheimen Einfluß und der Mitwirkung dieser Sekte die beständigen Bedrängungen der Kirche, sowie auch die Verschärfung bei den letzten Angriffen zum großen Teil zugeschrieben werden müssen. Und in der Tat, das gleichzeitige Auftreten der Verfolgung, welche kürzlich wie ein Wetter bei heiterem Himmel losbrach, ohne Ursachen, die zu der Wirkung im Verhältnis stehen; die gleiche Art der Vorbereitung, welche die Tagespresse, öffentliche Versammlungen und Schauvorstellungen besorgten; die überall befolgte Anwendung derselben Waffen der Verleumdung und der Volksaufreizung — dies alles weist auf einen einheitlichen Plan und die Herkunft der Losung von ein und derselben Zentralleitung hin. Eine Erscheinung übrigens, die mit jenem längst gefaßten Plan in Verbindung steht, der in großem Umfange in die Tat umgesetzt zu werden beginnt, um die von Uns schon aufgezählten Schäden zu vervielfältigen, und vor allem den religiösen Unterricht zurückzudrängen bis zum vollständigen Ausschluß, und so ein

indifferentes und ungläubiges Geschlecht heranzuziehen, — um vermittels der Presse die Sittenlehre der Kirche anzugreifen, ihre frommen Gebräuche verächtlich zu machen und ihre Feste zu entheiligen.

Es versteht sich von selbst, daß das katholische Priestertum, das berufen ist, die Betätigung der Religion zu fördern und ihre Geheimnisse auszuspenden, mit größter Erbitterung angegriffen wird, um sein Ansehen vor dem Volke herabzusetzen. Ja die Verwegenheit wächst von Tag zu Tag: man mißdeutet seine Handlungen, häuft argwöhnische Verdächtigungen und lädt ihm die gemeinsten Beschuldigungen auf; sie wächst im Verhältnis zur Straflosigkeit, die man sich versprechen kann. So gesellen sich neue Schäden zu jenen, die der Klerus schon seit einiger Zeit erduldet infolge der Wehrpflicht, die ihn der angemessenen religiösen Vorbildung entzieht, und infolge des Raubes am Kirchengut, das der fromme Edelmut der Gläubigen gespendet hatte. — Und die Orden und religiösen Genossenschaften, die in der Befolgung der evangelischen Räte nicht weniger den Ruhm der Religion als der Gesellschaft ausmachen, sind, gerade als hätten sie dadurch in den Augen der Feinde der Kirche eine neue Schuld auf sich geladen, der Gegenstand des Hasses und der Verachtung geworden. Und mit Schmerz müssen wir darauf hinweisen, wie sie auch neuerdings von unverdienten und gehässigen Maßregeln betroffen wurden, die jeder rechtlich Denkende im höchsten Grade verurteilen muß. Nichts vermochte sie davor zu schützen: nicht ihr unbescholtenes Leben, dem nicht einmal der Feind eine ernste Makel anhängen konnte; nicht das Naturrecht, welches die Bildung von Vereinigungen zu einem guten Zwecke erlaubt; nicht das Staatsgesetz, das diese Bildung gutheißt, noch auch die Dankbarkeit des Volkes für die kostbaren Dienste, welche ihm die Orden geleistet in Wissenschaft und Kunst, durch Urbarmachung und Bewirtschaftung des Bodens und endlich durch die ausgedehnte charitative Tätigkeit für die große Masse der Armen. Männer und Frauen, aus dem Volke hervorgegangen, haben freiwillig auf die Freuden der Familie verzichtet, um in friedlichem Zusammenwirken ihre Jugend, ihr Talent, ihr ganzes Tun und Leben dem Wohle des Nächsten zu weihen, und dafür werden sie nun gleich einer Rotte von Übeltätern zur Verbannung verurteilt, trotz der sonst so weitgehenden Freiheit. || Doch was Wunder, daß es den liebsten Kindern so hart ergeht, da ja der Vater selber, das Haupt der katholischen Kirche, der Papst zu Rom, keine bessere Behandlung findet! Die Tatsachen sind sattsam bekannt. Mit der weltlichen Herrschaft hat man ihm jene Unabhängigkeit geraubt, deren er für seine göttliche Sendung an die Welt bedarf. Man hat ihn genötigt, sich in seinem eigenen Rom, im eigenen

Hause einzuschließen. Der Druck einer feindlichen Macht, die freilich durch nichtssagende Zusicherungen und zweifelhafte Versprechungen für sein Ansehen und seine Freiheit bürgen wollte, hat ihn in eine unnatürliche Lage gedrängt, die wider alles Recht und seines erhabenen Amtes unwürdig ist. Wir wissen nur zu gut, welche Hindernisse man dem Papste in den Weg legt, wie oft man seine Absichten mißdeutet und seine erhabene Würde antastet. So wird es immer klarer, daß es im Plane lag, durch den Raub der weltlichen Herrschaft allmählich die geistliche Gewalt des Oberhauptes der Kirche zu untergraben, wie es übrigens die wahren Schuldigen schon ohne Umschweif ausgesprochen haben. || Allein das Unterfangen ist mit Rücksicht auf seine Folgen nicht nur politisch unklug, sondern auch für die gesellschaftliche Ordnung gefährlich. Denn die Streiche, welche man gegen den Glauben führt, treffen gleich tief auch die Gesellschaft ins Herz. Gott hat nun einmal den Menschen durch ganz wesentliche Eigenschaften, die er ihm gab, auf ein gesellschaftliches Leben angewiesen und daher in seiner Vorsehung auch die Kirche als Gesellschaft gegründet. Auf den Berg Sion hat er sie gestellt, wie die Heilige Schrift sich ausdrückt, auf daß sie als Leuchte diene, auf daß der befruchtende Strahl ihres Lichtes in den mannigfachsten Gestaltungen der menschlichen Gesellschaft das Leben zur Entfaltung bringe. Grundsätze himmlischer Weisheit soll die Kirche sie lehren, durch deren Befolgung sie ihre Verhältnisse aufs beste ordnen kann. Eine Gesellschaft also, die sich dem Einflusse der Kirche entzieht, auf den ihr Bestand zum guten Teil gegründet ist, muß immer tiefer sinken oder in Trümmer gehen, da sie trennt, was Gott verbunden wissen wollte. || Wir sind nie müde geworden, bei jeder Gelegenheit diese Wahrheiten nachdrücklich zu betonen, und haben es jetzt bei diesem außerordentlichen Anlasse ausdrücklich wieder getan. Gebe Gott, daß die Gläubigen daraus die nötige Tatkraft und Einsicht schöpfen, mit Einigkeit und mit größerem Erfolge am allgemeinen Wohle zu arbeiten; und möge auch den Gegnern ein Licht aufgehen über die Ungerechtigkeit, deren sie sich schuldig machen, wenn sie die Kirche verfolgen, die liebevollste Mutter und treueste Wohltäterin der Menschheit. || Allein das traurige Bild ihrer augenblicklichen Lage darf die Gläubigen im festen Vertrauen auf Gottes Beistand nicht wanken machen. Er wird schließlich den Sieg verleihen, wann und wie er will. Tiefbetrübt sind Wir bis ins innerste Herz hinein, aber frei von Bangigkeit um den Bestand der Kirche, die für die Ewigkeit bestimmt ist. Die Verfolgungen sind ja, wie Wir zu Anfang zeigten, ihr eigenstes Erbe; denn Gott weiß durch dieselben höhere, kostbarere Zwecke zu erreichen in der Prüfung und

Läuterung seiner Kinder. Und gerade bei der Zulassung solcher Anfeindungen und solchen Widerspruchs offenbart sich der göttliche Beistand, der durch neue, ungeahnte Mittel Bestand und Wachstum des Werkes sichert, so daß die Mächte, welche sich zum Untergang seiner Kirche verschworen haben, nicht obsiegen. Die neunzehn Jahrhunderte ihres Bestehens inmitten der unaufhörlich wechselnden Ebbe und Flut menschlichen Geschickes lehren, daß Sturm und Wogen wohl über sie hinwegbrausen, aber ihre Grundfesten nicht zu erschüttern vermögen.

Ja mit Recht schöpfen wir Mut; denn auch in der Gegenwart fehlt es nicht an hoffnungsvollen Anzeichen, die unsere Zuversicht nicht wanken lassen. Seien auch die Schwierigkeiten außerordentlicher und beängstigender Art, so spielen sich doch hinwiederum Vorgänge unter unseren Augen ab, die von einer wunderbaren Erbarmung und Weisheit zeugen, mit der Gott sein Versprechen erfüllt. Furchtbare Mächte stehen jetzt gegen die Kirche im Bunde, und menschlicher Hilfe ist sie gänzlich beraubt; allein nach wie vor steht sie groß da in der Welt und breitet ihr Reich aus unter den Völkern aller Himmelsstriche. Nein, der Fürst dieser Welt kann seine Herrschaft von ehedem nicht wiedererobern, seit Christus sie ihm abgerungen; mögen die Angriffe Satans auch Wunden schlagen, zum Siege wird er nicht gelangen! Zur Stunde ist bereits unter dem Beistande des Heiligen Geistes, dessen lebendiger Hauch die Kirche durchweht, ein himmlischer Friede eingezogen in die Herzen der Guten, ja in die ganze katholische Welt; in heiterem Glanze ist er aufgegangen aus der Vereinigung der Bischöfe mit dem Apostolischen Stuhl, einer Vereinigung so eng und innig, wie noch keine Zeit sie gesehen hat. Welch wunderbarer Gegensatz zu den Wühlereien, der Zwietracht und zu den Geheimbünden, die fort und fort um sich greifen und den Frieden der Gesellschaft stören! Dieselbe harmonische Einheit verknüpft die Bischöfe mit ihrem Klerus und diesen hinwiederum mit der katholischen Laienwelt und ist eine treibende Kraft zu den verschiedensten Werken des Eifers und der Liebe. Fester und frei von menschlichen Rücksichten schließen sich die katholischen Laien zu einmütigem Handeln zusammen und raffen sich in hochherzigem Wetteifer auf zur Verteidigung der heiligen Sache des Glaubens. Ja, das ist die Einigkeit, die Wir schon früher so sehr betonten und jetzt von neuem einschärfen und die Wir segnen, auf daß sie immer mehr erstarke und gleich einer ehernen Mauer dem Ansturme der Feinde trotze. || Ferner freuen Wir Uns innig über die allbekannte Erscheinung, daß auch in unseren Tagen so viele religiöse Vereinigungen in der Kirche gleich Schößlingen am Baume hervorsprossen, andere hinwiederum neue Kraft annehmen und sich wieder organisieren. Keine

Form christlicher Frömmigkeit, die in ihnen nicht ihre Pflege findet, mag sie sich auf den Erlöser und seine anbetungswürdigen Geheimnisse beziehen, auf seine mächtigste Mutter oder auf einen Heiligen, der in besonderem Tugendglanze strahlt. Und gleichzeitig wird kein Zweig christlicher Nächstenliebe vergessen; mit allen Mitteln arbeitet die Kirche allerorts an der Erziehung der Jugend und der Hebung der öffentlichen Sittlichkeit, sorgt für die Krankenpflege und die Unterstützung der besitzlosen Klassen. Und wie rasch würde sich diese Bewegung mit noch ganz anderen Erfolgen verbreiten, wenn nur nicht so häufig ungerechte und feindliche Maßnahmen ihr Hindernisse in den Weg legten. || Und der Herr, der die Kirche so lebenskräftig erhält in den Ländern, wo sie schon seit langem durch ihre Kulturarbeit sich heimisch gemacht hat, gibt uns auch durch neue Hoffnungen Trost dank dem Eifer seiner Missionäre; nicht mutlos gemacht durch die bestandenen Gefahren, die Entbehrungen und Opfer jeder Art, an Zahl noch gewachsen, gehen sie hin, gewinnen ganze Landstriche dem Evangelium und der Gesittung und bewähren dabei eine bewunderungswerte Ausdauer, obwohl ihnen mit Herabsetzung und Verleumdung vergolten wird, wie einst ihrem göttlichen Meister. || In den bittern Kelch ist also auch ein Tropfen Trost gemischt, in den Beschwernissen des Kampfes haben wir gar vieles, das uns Stärke und Hoffnung gibt. In Wahrheit eine Tatsache, die jeden einsichtigen Beobachter, den nicht Leidenschaft verblendet hat, nachdenklich machen, ihn erkennen lassen muß, daß Gott, der den Menschen nicht sich selber überließ hinsichtlich des letzten Zieles seines ganzen Lebens und deshalb zu ihm gesprochen hat, auch jetzt in seiner Kirche spricht, die sichtbar von göttlichem Beistand unterstützt wird, daß er es offenkundig macht, auf welcher Seite Wahrheit und Heil zu finden ist. || Jedenfalls wird dieser fortwährende Beistand dazu dienen, unseren Herzen die feste Hoffnung einzupflanzen, daß in dem Augenblicke, den die göttliche Vorsehung bestimmt hat, die Wahrheit die Nebel, mit denen man sie verhüllen will, zerreißen und in nicht ferner Zukunft heller erstrahlen wird; daß der Geist des Evangeliums die müden und morschen Glieder dieser zerrütteten Gesellschaft wieder beleben wird. || So viel an Uns liegt, Ehrwürdige Brüder, bemühen Wir Uns, den Tag der Erbarmungen Gottes zu beschleunigen und freudig mitzuarbeiten, wie es Unsere Pflicht ist, zur Verteidigung und zum Wachstum seines Reiches auf Erden. Bei Euch bedarf es der Aufmunterung nicht. Eure Hirtensorge ist Uns wohl bekannt; möchte das Feuer, das in Euren Herzen flammt, auch immer mehr in allen Dienern des Herrn zünden, die an Eurer Arbeit teilnehmen. Sie stehen in unmittelbarer Berührung mit dem Volke und kennen vollkommen

die Strebungen, die Bedürfnisse, die Leiden, wie auch die List und Verführungskunst, mit denen man es umgarnt. Und wenn sie, erfüllt von dem Geiste Jesu Christi, erhaben über alle politischen Leidenschaften, ihre Arbeit mit der Eurigen vereinen, wird es ihnen mit Gottes Segen gelingen, Wunder zu wirken: mit ihrem Wort werden sie die Massen erleuchten, durch die Milde ihres Umgangs die Herzen an sich ziehen und ihnen liebevoll behilflich sein zu steter Verbesserung ihrer Lage. — Und der Klerus wird sich gestärkt sehen von der klugen, tätigen Mitarbeit aller Gläubigen, die guten Willens sind. So werden die Söhne, welche die liebende Sorgfalt ihrer Mutter, der Kirche, erfuhren, ihr nach Gebühr vergelten mit der Verteidigung ihrer Ehre und ihres Ruhmes. Jeder kann beitragen zu diesem pflichtschuldigen, höchstverdienstlichen Werke: die Gelehrten und die Schriftsteller mit apologetischer Arbeit und in der Tagespresse, diesem Machtmittel, das unsere Gegner so sehr mißbrauchen, die Familienväter und die Lehrer durch eine christliche Erziehung der Kinder, die Behörden und Volksvertreter durch Festigkeit in den rechten Grundsätzen und durch Makellosigkeit des Charakters, alle durch ein furchtloses Bekenntnis ihres Glaubens. — Unsere Zeit verlangt Adel der Gesinnung, Großmut im Entschließen, strenge Wahrung der gesetzmäßigen Ordnung. Dies muß sich vor allem zeigen in einer vertrauensvollen und vollkommenen Unterwerfung unter die leitenden Winke des Heiligen Stuhles, das beste Mittel, den Schaden entzweiender Parteimeinungen zu heben oder doch abzuschwächen und alle Kräfte zu einen im Dienste eines höheren Zweckes, des Sieges Jesu Christi in seiner Kirche. || Das ist die Pflicht der Katholiken; der endliche Erfolg hängt ab von ihm, der liebevoll und weise über seine unbefleckte Braut wacht, von dem geschrieben ist: Jesus Christus heri et hodie, ipse et in saecula: „Jesus Christus gestern und heute, er auch in Ewigkeit.“ Zu ihm richten Wir auch in diesem Augenblicke Unser demütiges und heißes Gebet, zu ihm, der in unendlicher Liebe für die irrende Menschheit sich in hehrem Opfertode zur Sühne hingab; zu ihm, der, wenn auch unsichtbar, auf dem Schiffe seiner Kirche steht und dem Meere und den tobenden Winden gebieten und den Sturm stillen kann. Und Ihr, Ehrwürdige Brüder, werdet ihn gewiß vereint mit Uns anflehen, auf daß das Unglück schwinde, welches auf der Gesellschaft lastet, auf daß der Strahl des göttlichen Lichtes alle die erleuchte, welche, vielleicht mehr aus Unwissenheit denn aus Böswilligkeit, die Religion Christi mit ihrem Hasse verfolgen, auf daß die Menschen, die guten Willens sind, in heiliger Arbeitsfreudigkeit bestärkt werden. So möge denn bald der Triumph der Wahrheit und des Rechtes nahen, mögen bald der Menschenfamilie glücklichere Tage

des Friedens und der Ruhe lächeln! || Empfanget indessen als Unterpfand der heißerflehten Gnaden für Euch und für alle Eurer Hirtensorge anvertrauten Gläubigen den Apostolischen Segen, den Wir Euch aus vollem Herzen spenden! || Gegeben zu Rom bei St. Peter, den 19. März 1902, im fünfundzwanzigsten Jahre Unseres Pontifikates.

Leo PP. XIII.

Aktenstücke zur Geschichte des Südafrikanischen Krieges.

I. Verhandlungen zwischen Grofsbritannien und den Buren über die Niederlegung der Waffen.

März-Mai 1902.*)

Nr. 12684. GROSSBRITANNIEN. — Lord Kitchener, der Oberbefehlshaber in Südafrika, an den Kriegsminister. Friedensangebot Schalk Burgers.

Pretoria, 12th March, 1902, 6·55 P.M.

(Telegram.) || Schalk Burger states, in answer to my letter forwarding correspondence with Netherlands Government, that he is prepared to make peace proposals, but wishes first to see President Steyn, and asks for safe conduct through our lines and back. Shall I accede to this request?

Nr. 12685. GROSSBRITANNIEN. — Der Kriegsminister an Lord Kitchener. Antwort auf das vorige.

War Office, 13th March, 1902, 12·30 A.M.

(Telegram.) || We have no objection to Schalk Burger being allowed to pass through our lines to interview Steyn, if you and Milner agree in thinking it desirable.

Nr. 12686. GROSSBRITANNIEN. — Lord Kitchener an den Kriegsminister. Die Buren haben Friedensvorschläge beschlossen.

Pretoria, 10th April, 1902, 6·20 P.M.

(Telegram.) || It was decided at the meeting of the Boer representatives to-day to send me a letter requesting permission to lay certain proposals

*) Blaubuch Cd. 1096.

before me and to ask me to name place and date. I should like instructions on this, and propose their coming here.

Nr. 12687. **GROSSBRITANNIEN.** — Der Kriegsminister an Lord Kitchener. Milner soll an den Verhandlungen teilnehmen.

War Office, 11th April, 1902, 1 A.M.

(Telegram.) || We agree to your receiving the Boer representatives at whatever place you consider most convenient. You will no doubt ask Milner to be present at the meeting.

Nr. 12688. **GROSSBRITANNIEN.** — Lord Kitchener an den Kriegsminister. Genauer Text des Vorschlags vom 10. April.

Pretoria, 11th April, 1902, 8 A.M.

(Telegram.) || The following are the exact terms of the letter I referred to in my telegram of 10th April: — || Begins: After quoting at length the correspondence between His Majesty's Government and the Netherlands, they are of opinion that it is a suitable moment to do everything possible to put a stop to the war, and therefore decide to make certain propositions to Lord Kitchener, which can serve as a base for further negotiations in order to bring about the desired end. || They further decide that, in their opinion, in order to accelerate the desired aim and prevent misunderstanding, Lord Kitchener be requested to meet them personally, time and place to be appointed by him, in order to lay before him direct peace proposals, which they are prepared to submit, and in order to settle at once, by direct communication with him, all questions that may present themselves and thereby to make sure that this meeting will have the desired result. Ends.

Nr. 12689. **GROSSBRITANNIEN.** — Derselbe an Denselben. Bedingungen der Buren.

Pretoria, 12th April, 1902, 9·22 P.M.

(Telegram.) || All Boer representatives met to-day, and wished the following telegram sent: — || „The Boer representatives wish to lay before His Majesty's Government that they have an earnest desire for peace, and that they consequently decided to ask the British Government to

end hostilities, and to enter into an agreement by which, in their opinion, all future war between them and the British Government in South Africa will be prevented. They consider this object may be attained by providing for following points: — || „1. Franchise. || 2. Equal rights for Dutch and English languages in education matters. || 3. Customs Union. || 4. Dismantling of all forts in Transvaal and Orange River Colony. || 5. Post, Telegraph, and Railways Union. || 6. Arbitration in case of future differences, and only subjects of the parties to be the Arbitrators. || 7. Mutual amnesty. But if these terms are not satisfactory they desire to know what terms the British Government would give them in order to secure the end they all desire."

I have assured them that His Majesty's Government will not accept any proposals which would maintain independence of Republic as this would do, and that they must expect refusal.

Nr. 12690. **GROSSBRITANNIEN.** — Der Kriegsminister an Lord Kitchener. Die britische Regierung gesteht keine Unabhängigkeit der Burenstaaten zu.

War Office, 13th April, 1902, 2·30 A.M.

(Telegram.) || His Majesty's Government sincerely share the earnest desire of the Boer representatives for peace, and hope that the present negotiations may lead to that result; but they have already stated in the clearest terms, and must now repeat, that they cannot entertain any proposals which are based upon the continued independence of the former Republics which have been formally annexed to the British Crown.

Nr. 12691. **GROSSBRITANNIEN.** — Lord Kitchener an den Kriegsminister. Die Burendelegierten wollen die englischen Bedingungen ihrem Volke vorlegen.

Pretoria, 14th April, 1902, 6·10 P.M.

(Telegram.) || The High Commissioner and I met the Boer representatives this morning, when I communicated to them the substance of your telegram. We then endeavoured to induce them to make fresh proposals, but President Steyn, who throughout acted as their leading spokesman, immediately took the line that while the Boer Governments were competent to make peace, they were not competent to surrender the independence of their country; that only the people could do this — the people, as explained, meaning the burghers still in the field. If

he was to suggest anything involving the abandonment of independence, it would be a betrayal of their trust. || Schalk Burger and General Botha took precisely the same line. As no progress could be made the meeting was adjourned by mutual consent till this afternoon. The Boer representatives then suggested an armistice in order to consult their people; but I pointed out, with Lord Milner's full concurrence, that we had not got nearly far enough in the direction of agreement to justify such a course. Finally it was agreed that I should send you the following message, which was read over several times and fully agreed to by the representatives, to whom I have given a copy of it: —

Begins: A difficulty has arisen in getting on with proceedings. The representatives state that constitutionally they have no power to discuss terms based on the surrender of independence, inasmuch as only the burghers can agree to such a basis; therefore, if they were to propose, it would put them in a false position with regard to their people. If, however, His Majesty's Government would state the terms that, subsequent to a relinquishment of independence, they would be prepared to grant, the representatives, after asking for the necessary explanations, without any expression of approval or disapproval, would submit such conditions to their people. Ends.

Nr. 12692. **GROSSBRITANNIEN.** — Der Kriegsminister an Lord Kitchener. Antwort auf das vorige.

War Office, 16th April 1902, 2·20 P.M.

(Telegram.) || We have received with considerable surprise the message from the Boer leaders contained in your telegram of 14th April. || The meeting was arranged at their request, and they must have been aware of our repeated declarations that we could not entertain any proposals based on the renewed independence of the two South African States. We were, therefore, entitled to assume that the Boer representatives had relinquished the idea of independence, and would propose terms of surrender for the forces still in the field. || They now state that they are constitutionally incompetent to discuss terms which do not include a restoration of independence, but request us to inform them what conditions would be granted, if, after submitting the matter to their followers, they were to relinquish the demand for independence. || This does not seem to us to be a satisfactory method of proceeding, or one best adapted to secure, at the earliest moment, a cessation of the hostilities which have involved the loss of so much life and treasure. || We are, however,

as we have been from the first, anxious to spare the effusion of further blood, and to hasten the restoration of peace and prosperity to the countries afflicted by the war, and you and Lord Milner are therefore authorized to refer the Boer leaders to the offer made by you to General Botha more than twelve months ago, and to inform them that although the subsequent great reduction in the strength of the forces opposed to us, and the additional sacrifices thrown upon us by the refusal of that offer would justify us in imposing far more onerous terms, we are still prepared, in the hope of a permanent peace and reconciliation, to accept a general surrender on the lines of that offer, but with such modifications in detail as may be agreed upon mutually. || You are also authorized to discuss such modifications with them, and to submit the result for our approval. || Communicate this to High Commissioner.

Nr. 12693. **GROSSBRITANNIEN.** — Lord Kitchener an den Kriegsminister. Die Burendelegierten werden bei den Burghers um unbedingte Vollmacht nachsuchen

Pretoria, 17th April 1902, 6·40 P.M.

(Telegram.) || I communicated your telegram to the Boer representatives this morning. They immediately asked for adjournment to consider it. We met again at 2 P.M., when they pressed for the return of the Boer delegates and for an armistice to enable them to consult their burghers. I refused both on military grounds, but promised facilities for them to hold meeting of their burghers. Lord Milner impressed on them necessity of coming back with definite powers and determination to make peace at once, which they promised to do. The meeting then broke up, and I had a short meeting with Generals Botha, De Wet, and Delarey, to arrange details of how they are to carry out meeting. These were settled satisfactorily, and they will probably leave to-morrow to get vote from their people.

Nr. 12694. **GROSSBRITANNIEN.** — Derselbe an Denselben. Dasselbe.

Pretoria, 18th April 1902, 10·55 A.M.

(Telegram.) || Have now arranged with the Generals all details as to holding meeting, and representatives of both States will leave here to-night to carry out the arrangements.

Nr. 12695. GROSSBRITANNIEN. — Der Kriegsminister an Lord Kitchener. Keine Unterbrechung der Operationen vor dem definitiven Abschluß.

War Office, 19th April 1902.

(Telegram.) || Yours of yesterday. We fully realize the necessity of giving the Boer leaders all due opportunity of consulting their commandos, but we trust that no arrangements will be come to which will make it necessary for you to suspend operations, until some definite arrangement is in view. We are continuing to send reinforcements.

Nr. 12696. GROSSBRITANNIEN. — Lord Kitchener an den Kriegsminister. Näheres über die Abstimmung der Buren.

Pretoria, 19th April, 1902, 11·40 A.M.

(Telegram.) || The Boer representatives have all left. The meeting of elected representatives from commandos is arranged to be held at Vereeniging on 13th or 15th May. I did my best to hasten, but it was found impossible. I am not allowing facilities for meeting of commandos in Cape Colony, and none will be there. I have arranged with Boer leaders that foreigners serving with them shall have no vote, and that votes will be by ballot. Each commando will be represented by two burghers. It is thought probable that the meeting at Vereeniging will take two days, after which, if favourable decision is arrived at, Boer representatives will come here to arrange final settlement.

Nr. 12697. GROSSBRITANNIEN. — Lord Kitchener an den Kriegsminister. Die Buren haben einer Kommission die Vollmacht zu Friedensverhandlungen übertragen.

Pretoria, 17th May, 1902, 6·55 P.M.

(Telegram.) || Following telegram just received: — || Begins: „From State Presidents Burger and Steyn to Lord Kitchener — || We have the honour to communicate to your Excellency that, as a result of the burghers assembling here, a Commission has been appointed by our Governments to negotiate with your Excellency with a view to finishing the present hostilities. This Commission consists of Louis Botha, Christian de Wet, Hertzog, Delarey, and Smuts. If your Excellency is agreeable to meet this Commission, we request you to appoint time and place of meeting.“ Ends.

After consultation with Lord Milner I have sent following reply: — || Begins: „I have the honour to acknowledge your communication, and should be glad to be informed if the Commission you announce have plenary powers to agree to terms for the cessation of hostilities. If so, Lord Milner and I will be prepared to receive them here. Colonel Henderson will arrange to put a train at their disposal directly they inform him when they wish to start.“ Ends.

Nr. 12698. **GROSSBRITANNIEN.** — Derselbe an Denselben. Dasselbe.

Pretoria, 18th May, 1902, 2·15 P.M.

(Telegram.) || Following is reply from Burger and Steyn: — || Begins: „In reply to your Excellency's telegram of this morning, we have the honour to inform you that Commission, appointed in accordance with instructions by the burghers assembled, has power to negotiate with your Excellency, subjet to ratification by the burghers.“ Ends.

After consultation with Lord Milner, I have informed the Presidents we will be glad to meet the Commission here to-morrow.

Nr. 12699. **GROSSBRITANNIEN.** — Lord Kitchener an den Kriegsminister. Differenzen mit den Buren über die Grundlage der Verhandlungen.

Pretoria, 19th May, 7·20 P.M.

(Telegram.) || Meeting took place at 11·30, and Boer Commission made following proposals: — || 1. We are prepared to surrender our independence as regards foreign relations. || 2. We wish to retain self-government under British supervision. || 3. We are prepared to surrender a part of our territory.

Lord Milner and I refused to accept these terms as basis for negotiation, as they differ essentially from the principles laid down by His Majesty's Government. After a long discussion nothing was decided, and it was determined to meet in the afternoon. Commission met again at 4 p.m., when Lord Milner proposed a form of document that might be submitted to the burghers for a „Yes“ or „No“ vote. There was a good deal of objection to this, but it was agreed finally that Lord Milner should meet Smuts and Hertzog with a view of drafting, as far as possible, an acceptable document on the Botha lines. They will meet to-morrow for that purpose. Lord Milner stipulated for the assistance of Sir Richard Solomon in the preparation of the draft document.

Nr. 12700. **GROSSBRITANNIEN.** — Derselbe an Denselben. Vorschlag, den in Vereeniging versammelten Buren folgendes Dokument vorzulegen.

Pretoria, 21st May, 1902, 4·50 P.M.

(Telegram.) || Commission are prepared to submit the following document to the burghers assembled at Vereeniging for a „Yes" or „No" vote, if His Majesty's Government approves of its terms: —

Begins: His Excellency General Lord Kitchener and his Excellency Lord Milner, on behalf of the British Government, and Messrs. M. T. Steyn, J. Brebner, General C. R. de Wet, General C. Olivier, and Judge J. B. M. Hertzog, acting as the Government of the Orange Free State, and Messrs. S. W. Burger, F. W. Reitz, Generals Louis Botha, J. H. Delarey, Lucas Meyer, Krogh, acting as the Government of the South African Republic, on behalf of their respective burghers desirous to terminate the present hostilities, agree on the following Articles: — || 1. The burgher forces in the field will forthwith lay down their arms, handing over all guns, rifles, and munitions of war in their possession or under their control, and desist from any further resistance to the authority of His Majesty King Edward VII, whom they recognize as their lawful Sovereign. The manner and details of this surrender will be arranged between Lord Kitchener and Commandant-General Botha, Assistant Commandant-General Delarey, and Chief Commandant de Wet. || 2. Burghers in the field outside the limits of the Transvaal or Orange River Colony, on surrendering, will be brought back to their homes. || 3. All prisoners of war at present outside South Africa who are burghers will, on their declaring their acceptance of the position of subjects of His Majesty King Edward VII, be brought back to the places where they were domiciled before the war. || 4. The burghers so surrendering or so returning will not be deprived of their personal liberty or their property. || 5. No proceeding, civil or criminal, will be taken against any of the burghers surrendering or so returning for any acts in connection with the prosecution of the war. || 6. The Dutch language will be taught in public schools in the Transvaal and Orange River Colony where the parents of the children desire it, and will be allowed in Courts of Law when necessary for the better and more effectual administration of justice. || 7. The possession of rifles will be allowed in the Transvaal and Orange River Colony to persons requiring them for their protection on taking out a licence according to law. || 8. Military administration in the Transvaal and Orange River Colony will at the earliest possible date be succeeded

by civil government, and, as soon as circumstances permit, representative institutions, leading up to self-government, will be introduced. || 9. The question of granting the franchise to natives will not be decided until after the introduction of self-government. || 10. No special tax will be imposed on landed property in the Transvaal and Orange River Colony to defray the expenses of the war. || 11. A Judicial Commission will be appointed, to which Government notes issued under Law No. 1 of 1900 of the South African Republic, may be presented within six months. All such notes as are found to have been duly issued in the terms of that Law, and for which the persons presenting them have given valuable considerations, will be paid, but without interest. All receipts given by the officers in the field of the late Republics, or under their orders, may likewise be presented to the said Commission within six months, and, if found to have been given bonâ fide for goods used by the burgher forces in the field, will be paid out to the persons to whom they were originally given. The sum in respect of the said Government notes and receipts shall not exceed 3 000 000 l. sterling, and if the total amount of such notes and receipts approved by the Commission is more than that sum, there shall be a pro ratâ diminution. Facilities will be afforded to the prisoners of war to present their Government notes and receipts within the six months aforesaid. || 12. As soon as conditions permit, a Commission, on which the local inhabitants will be represented, will be appointed in each district of the Transvaal and Orange River Colony, under the presidency of a Magistrate or other official, for the purpose of assisting the restoration of the people to their homes, and supplying those who, owing to war losses, are unable to provide for themselves, with food, shelter, and the necessary amount of seed, stock, implements, &c., indispensable to the resumption of their normal occupations. Money for this will be advanced by the Government, free of interest, and repayable over a period of years. Ends.

Nr. 12701. **GROSSBRITANNIEN.** — Der Kolonialminister an den Oberkommissar Lord Milner. Abänderung des vorigen.

Colonial Office, 27th May, 1902, 3·45 P.M.

(Telegram.) || I have to inform you that His Majesty's Government approve of the submission to the Assembly at Vereeniging for a „Yes“ or „No“ vote the document prepared by the Commission and forwarded by Lord Kitchener on 21st May to the Secretary of State for War, subject to the following alterations: —

Clauses 2 and 3 should be put together, and will run as follows: — || „All burghers in the field outside the limits of the Transvaal and Orange River Colony, and all prisoners of war at present outside South Africa, who are burghers, will, on duly declaring their acceptance of the position of subjects of His Majesty King Edward VII, be gradually brought back to their homes as soon as transport can be provided and their means of subsistence ensured.“ Ends.

The object of this alteration is to make clear that burghers in the field outside the two States will, like the burghers inside and the prisoners of war, declare their acceptance of the position of subjects. It was clearly not intended that they should be in any different position to their countrymen elsewhere. || We have also inserted words to explain that return must be gradual.

Clause 5. We add at end of clause the words — || „The benefit of this clause will not extend to certain acts contrary to usages of war which have been notified by Commander-in-Chief to the Boer Generals, and which shall be tried by court-martial immediately after the close of hostilities.“ Ends.

Clauses 11 and 12 must be omitted, and the following clause substituted: — || Begins: „As soon as conditions permit, a Commission, on which the local inhabitants will be represented, will be appointed in each district of the Transvaal and Orange River Colony under the presidency of a Magistrate or other official, for the purpose of assisting the restoration of the people to their homes and supplying those, who, owing to war losses, are unable to provide themselves with food, shelter, and the necessary amount of seed, stock, implements, &c., indispensable to the resumption of their normal occupations. || „His Majesty's Government will place at the disposal of these Commissions a sum of 3 000 000 l. for the above purposes, and will allow all notes issued under Law 1 of 1900 of the South African Republic, and all receipts given by officers in the field of the late Republics, or under their orders, to be presented to a Judicial Commission, which will be appointed by the Government, and if such notes and receipts are found by this Commission to have been duly issued in return for valuable considerations, they will be received by the first-named Commissions as evidence of war losses suffered by the persons to whom they were originally given. || In addition to the above-named free grant of 3 000 000 l., His Majesty's Government will be prepared to make advances on loan for the same purposes free of interest for two years, and afterwards repayable over a period of years with 3 per cent. interest. No foreigner or rebel will be entitled to the benefit of this clause.“ Ends.

In making this communication to the Delegates, you must inform them that if this opportunity of an honourable termination of hostilities is not accepted within a time fixed by you the Conference will be considered at an end, and His Majesty's Government will not be bound in any way by their present declarations. || Lord Kitchener should have a copy of this telegram.

Nr. 12702. GROSSBRITANNIEN. — Der Kolonialminister an den Oberkommissar. Das vorige bezieht sich nicht auf die Rebellen aus Natal und der Kapkolonie.

Colonial Office, 27th May, 1902, 5·10 P.M.

(Telegram.) || 27th May. No. 2 || We understand that the terms of surrender offered in my telegram of to-day are confined to burghers of the Orange Free State and South African Republic at the date of the outbreak of the war. His Majesty's Government are unable to make any pledges on behalf of the Governments of the Cape or Natal as to the treatment of rebels. You have no doubt kept in mind that any favourable terms accorded by either of these Governments will have to be sanctioned by the Legislature of the Colony. || His Majesty's Government must place it on record that the treatment of Cape and Natal colonists who have been in rebellion and who now surrender will be determined, if they return to their Colonies, by the Colonial Governments and in accordance with the laws of the Colonies, and that any other British subjects who have joined the enemy will be liable to trial under the law of that part of the British Empire to which they belong. || The Cape Government have informed His Majesty's Government that the following are their views as to the terms which should be granted to British subjects of Cape Colony who are now in the field, or have surrendered, or have been captured since the 12th April, 1901: —

"With regard to rank and file, Ministers advise that upon surrender they shall all, after giving up their arms, sign a document before Resident Magistrate of district in which surrender takes place acknowledging themselves guilty of high treason, and that the punishment to be awarded to them, provided they shall not have been guilty of murder or other acts contrary to usages of civilized warfare, shall be that they shall not be entitled for life to be registered as voters or to vote at any Parliamentary, Divisional Council, or Municipal election. Legislation will be required to give effect to this recommendation. With regard to Justices

of the Peace and Field Cornets of Cape Colony and all other persons holding an official position under Government of Cape Colony or who may occupy post of Commandant of rebel or burgher forces, Ministers advise that they shall be tried for high treason before the ordinary Tribunal of country or such special Court as may be hereafter constituted by law, the punishments for their offence to be left to the discretion of Court, with this proviso, that in no case shall penalty of death be inflicted." || The Natal Government are of opinion that rebels should be dealt with according to the law of the Colony.

Nr. 12703. **GROSSBRITANNIEN.** — Dasselbe an Denselben. Bestimmungen der Proklamation vom 7. Aug. 1901.

Colonial Office, 26th May, 1902, 6·50 P.M.

(Telegram.) || 26th May. Have any promises been made to Boers by you with regard to the leaders liable to banishment under the Proclamation of 7th August, some of whom have been specially named in notices issued subsequently? This Proclamation, you will recollect, was the result of a strong representation from Lord Kitchener, and supported by Minute of Natal Government of 25th July. The exact terms were finally settled by you. If you now think that this Proclamation should be disregarded, I have no objection to make.

Nr. 12704. **GROSSBRITANNIEN.** — Der Oberkommissar an den Kolonialminister. Dasselbe.

(Received, Colonial Office, 3·30 p.m., 27th May, 1902.)

(Telegram.) || 27th May. No. 1. || Referring to your telegram of 26th May. No promises have been made or asked for. The Boers are no doubt aware that legislation is required to give effect to banishment and feel that we would not introduce such legislation if Article 3 of proposed Agreement is accepted. This is obvious, and it follows that if surrender comes off banishment will be tacitly dropped. I was in favour of banishment Proclamation and was prepared to go even further, as I thought, and I still think, that resistance of Boers had ceased to be legitimate at that stage, and that it was our duty to impose special penalties upon those responsible for adoption of guerilla methods by which the country was being ruined and by which alone the struggle could be kept up at all. || So far from regretting the Proclamation I believe it has had great effect in increasing the number of surrenders,

and in inducing the Boers still in the field to desist from further fighting That has certainly been Kitchener's opinion, as he has always pressed and given the greatest publicity to the lists of banished leaders. But it would be a mistake if the Boers now give in in a body and live as British subjects to continue a proscription which would only keep up bitter feelings and tend to prevent the country from settling down. Kitchener agrees entirely.

Nr. 12705. **GROSSBRITANNIEN.** — Derselbe an Denselben. Dasselbe.

(Sent 7·55 p.m. Received, Colonial Office, 7·45 p.m. 27th May, 1902.)

(Telegram.) || 27th May. No. 2. || My telegram of to-day, No. 1. | I made it clear, I hope, that what I said applied only to banishment not to sale of farms. Smuts did allude to this point in Committee though not to banishment, but I gave him an emphatic negative, and the subject was then dropped.

Nr. 12706. **GROSSBRITANNIEN.** — Der Oberkommissar an den Kolonialminister. Den Buren sind die englischen Bedingungen mitgeteilt.

(Despatched, 11·10 p.m., 28th May.
Received, Colonial Office, 5·5 a.m., 29th May, 1902.)

(Telegram.) || 28th May. No. 1. || Referring to your telegram No. 1 of 27th May. Commander-in-chief and I met the Boer Delegates again this morning, and I communicated to them the alterations and additions to their draft contained in your telegram under reply, and informed them that His Majesty's Government approved of the draft so altered being submitted to the burghers at Vereeniging for a „Yes“ or „No“ answer. I added that if this opportunity of an honourable termination of hostilities was not accepted within a time fixed by us the conference would be considered at an end, and His Majesty's Government would not be in any way bound by the present declarations. I handed them at the same time a copy of draft Agreement in accordance with your instructions. There was no discussion of it. Commander-in-chief stated that before fixing definitely the time by which we must receive an answer he would like to know their opinion. He thought forty-eight hours would be ample, but he did not wish to rush them. || The delegates, who it was agreed should return to Vereeniging this evening, asked for an ad-

journment before giving an answer as to time. To this we agreed. || Before they left I read to them a statement based on your telegram of 27th May, No. 2, and was obliged to modify slightly your message in order to bring it into harmony with the latest communication I have received from the Cape Government on the subject, according to which fresh legislation will not be necessary; but essential points, viz., the degree of punishment to be awarded and the classification of rebels, were given absolutely in your words. || The delegates asked for a copy of my statement, which I handed to them. The meeting then adjourned. || This afternoon we met delegates again for a few minutes. They asked us to give them until Saturday night for their answer, to which we agreed. We then shook hands and parted. || They returned at 9 p. m. to Vereeniging.

Nr. 12707. GROSSBRITANNIEN. — Derselbe an Denselben. Verhandlungen über die Rebellen.

(Despatched 6·5 p.m., 30th May.
Received, Colonial Office, 8·30 a.m., 31st May, 1902.)

30th May. || After handing to Boer delegates a copy of draft Agreement which His Majesty's Government are prepared to approve with a view of terminating the present hostilities, I read to them the following statement and gave them a copy: — || His Majesty's Government must place it on record that the treatment of Cape and Natal colonists who have been in rebellion and who now surrender will, if they return to their Colonies, be determined by the Colonial Governments and in accordance with the laws of the Colonies, and that any British subjects who have joined the enemy will be liable to trial under the law of that part of the British Empire to which they belong. || His Majesty's Government are informed by the Cape Government that the following are their views as to the terms which should be granted to British subjects of Cape Colony who are now in the field, or who have surrendered, or have been captured since 12th April, 1901: — || „With regard to rank and file, they should all, upon surrender, after giving up their arms, sign a document before the Resident Magistrate of the district in which the surrender takes place acknowledging themselves guilty of high treason, and the punishment to be awarded to them, provided they shall not have been guilty of murder or other acts contrary to the usages of civilized warfare, should be that they shall not be entitled for life to be registered as voters or to vote at any Parliamentary, Divisional Council, or Municipal election. With reference to Justices of the Peace and Field Cor-

nets of Cape Colony and all other persons holding an official position under the Government of Cape Colony or who may occupy the position of Commandant of rebel or burgher forces, they shall be tried for high treason before the ordinary Court of the country or such special Court as may be hereafter constituted by law, the punishment for their offence to be left to the discretion of Court, with this proviso, that in no case shall penalty of death be inflicted." || The Natal Government are of opinion that rebels should be death with according to the law of the Colony.

Nr. 12708. **GROSSBRITANNIEN.** — Der Oberkommissar an den Kolonialminister. Unterzeichnung des Friedens.

Pretoria, 1st June, 10·15 a.m.

(Telegram.) || The Agreement, as amended by His Majesty's Government in your telegram of 27th May, was signed just before 11 p.m. last night, by Lord Kitchener and myself and ten Boer delegates, six representing the Transvaal and four Orange Free State. A Resolution of Burgher Assembly at Vereeniging authorizing them to sign was put in by them before signing it. Names of signatories are the same as those in original draft sent in Lord Kitchener's telegram, except that the initials had been corrected in some cases, and Mr. Steyn's name was omitted. He was too ill to come up, and had already taken his parole. The order of signatories is chiefly the same, except that De Wet signed first of the Orange River Colony Delegates, Hertzog next, and then Brebner, the reason being that De Wet was nominated „Acting President" by Steyn on retiring.

Nr. 12709. **GROSSBRITANNIEN.** — Draft Agreement as to Terms of Surrender of the Boer Forces in the Field approved by His Majesty's Government.

31. Mai 1902.

His Excellency General Lord Kitchener and his Excellency Lord Milner, on behalf of the British Government, and Messrs. M. T. Steyn, J. Brebner, General C. R. De Wet, General C. Olivier, and Judge J. B. M. Hertzog, acting as the Government of the Orange Free State, and Messrs. S. W. Burger, F. W. Reitz, Generals Louis Botha, J. H. Delarey, Lucas Meyer, Krogh, acting as the Government of the South African Republic, on behalf of their respective burghers desirous to terminate the present hostilities, agree on the following Articles: —

1. The burgher forces in the field will forthwith lay down their arms, handing over all guns, rifles, and munitions of war in their

possession or under their control, and desist from any further resistance to the authority of His Majesty King Edward VII, whom they recognize as their lawful Sovereign. The manner and details of this surrender will be arranged between Lord Kitchener and Commandant-General Botha, Assistant Commandant-General Delarey, and Chief Commandant De Wet.

2. All burghers in the field outside the limits of the Transvaal or Orange River Colony and all prisoners of war at present outside South Africa who are burghers will, on duly declaring their acceptance of the position of subjects of His Majesty King Edward VII, be gradually brought back to their homes as soon as transport can be provided and their means of subsistence ensured.

3. The burghers so surrendering or so returning will not be deprived of their personal liberty or their property.

4. No proceedings, civil or criminal, will be taken against any of the burghers surrendering or so returning for any acts in connection with the prosecution of the war. The benefit of this clause will not extend to certain acts, contrary to usages of war, which have been notified by Commander-in-chief to the Boer Generals, and which shall be tried by court-martial immediately after the close of hostilities.

5. The Dutch language will be taught in public schools in the Transvaal and Orange River Colony where the parents of the children desire it, and will be allowed in courts of law when necessary for the better and more effectual administration of justice.

6. The possession of rifles will be allowed in the Transvaal and Orange River Colony to persons requiring them for their protection on taking out a licence according to law.

7. Military administration in the Transvaal and Orange River Colony will at the earliest possible date be succeeded by Civil Government, and, as soon as circumstances permit, representative institutions, leading up to self-government, will be introduced.

8. The question of granting the franchise to natives will not be decided until after the introduction of self-government.

9. No special tax will be imposed on landed property in the Transvaal and Orange River Colony to defray the expenses of the war.

10. As soon as conditions permit, a Commission, on which the local inhabitants will be represented, will be appointed in each district of the Transvaal and Orange River Colony, under the presidency of a Magistrate or other official, for the purpose of assisting the restoration of the people to their homes and supplying those who, owing to war losses, are unable

to provide themselves with food, shelter, and the necessary amount of seed, stock, implements, &c., indispensable to the resumption of their normal occupations. || His Majesty's Government will place at the disposal of these Commissions a sum of 3 000 000 l. for the above purposes, and will allow all notes issued under Law 1 of 1900 of the South African Republic and all receipts given by officers in the field of the late Republics, or under their orders to be presented to a Judicial Commission, which will be appointed by the Government, and if such notes and receipts are found by this Commission to have been duly issued in return for valuable considerations, they will be received by the first-named Commissions as evidence of war losses suffered by the persons to whom they were originally given. || In addition to the above-named free grant of 3000000 l., His Majesty's Government will be prepared to make advances on loan for the same purposes free of interest for two years, and afterwards repayable over a period of years with 3 per cent. interest. No foreigner or rebel will be entitled to the benefit of this clause.

II. Statistik der Flüchtlingslager.*) (Vgl. Bd. 66.)

Nr. 12710. GROSSBRITANNIEN. — Statistik über die Flüchtlingslager.

Mai 1902.

Transvaal.

Statistical Return of Inmates, and Deaths, in Burgher Camps, Transvaal, Month ending 30th April, 1902.

Camps and Relief Posts	Census, 30th April, 1902				Total Deaths			
	Total	Men	Women	Children	Total	Men	Women	Children
Barberton	1 555	236	611	708	2	—	—	2
Balmoral	2 266	459	867	940	5	—	1	4
Belfast	1 428	274	542	612	3	—	2	1
Heidelberg	1 910	454	676	780	3	2	1	—
Irene	5 452	1 216	1 987	2 249	21	4	5	12
Johannesburg	1 584	337	583	664	6	2	1	3
Klerksdorp	2 995	415	1 221	1 359	21	3	4	14
Krugersdorp	3 922	914	1 457	1 551	4	1	1	2
Meintjes-kop	458	92	171	195	1	—	—	1
Middelburg	4 332	951	1 627	1 754	2	—	—	2
Mafeking	4 058	727	1 671	1 660	7	2	1	4
Potchefstroom	5 158	910	1 953	2 295	10	2	2	6
Standerton	3 434	726	1 339	1 369	8	2	1	5
Vereeniging	954	184	364	406	3	—	1	2
Volksrust	3 389	869	1 265	1 255	4	2	1	1
Vryburg	1 849	350	725	774	6	1	—	5
Total:	44 744	9 114	17 059	18 571	106	21	21	64

*) Blaubuch Cd. 1161.

Fortsetzung.

Camps and Relief Posts	Census, 30th April, 1902				Total Deaths			
	Total	Men	Women	Children	Total	Men	Women	Children
Übertrag	44 744	9 114	17 059	18 571	106	21	21	64
Lydenburg Military Post	95	—	52	43	—	—	—	—
Pretoria Relief	899	87	327	485	—	—	—	—
Johannesburg Relief	1 366	135	502	729	—	—	—	—
Vryheid Military Post	162	13	84	65	—	—	—	—
Vryburg (Town)	534	74	231	229	—	—	—	—
Pietersburg	151	29	54	68	—	—	—	—
Grand Total:	47 951	9 452	18 309	20 190	106	21	21	64

Orange River Colony.

Return of Strength on 30th April, 1902, in Orange River Colony Camps.

Camp	Men	Women	Children	Total	Deaths
Aliwal North	799	1 806	1 878	4 483	2
Bloemfontein	977	2 212	2 465	5 654	13
Brandfort	581	1 652	1 895	4 128	16
Bethulie	503	1 207	1 327	3 037	9
Heilbron	173	355	428	956	3
Harrismith	61	122	169	352	2
Kroonstad	608	1 407	1 472	3 487	13
Kimberley	649	1 157	1 637	3 443	4
Norval's Pont	716	1 336	1 436	3 488	3
Springfontein	404	971	1 169	2 544	5
Vredefort Road	114	275	362	751	13
Winburg	374	921	1 123	2 418	7
Orange River	222	601	845	1 668	17
East London	353	801	793	1 947	2
Uitenhage	152	436	431	1 019	—
In transit for Uitenhage	138	389	438	965	—
Totals:	6 824	15 648	17 868	40 340	109

Cape Colony.

Return of Exiles in Camp at Port Elizabeth for Month of April, 1902.

—	Number in Camp	Deaths
White: —		
Men	22	—
Women	59	—
Children	193	1
Total:	274	1
Coloured: —		
Men	—	Nil
Women	—	
Children	2	
Total:	2	

Natal.

Champs	Numbers in Camp on 30th April	Deaths
Ladysmith	1 048	0
Howick	3 247	2
Maritzburg	2 379	4
Pinetown	3 019	5
Jacobs	3 080	8
Wentworth	2 962	5
Merebank	8 259	22
Eshowe	28	0
Total:	24 022	46

General.

Provisional Statistics for May, 1902.

These figures have been compiled in the Office of the High Commissioner for South Africa from weekly returns and have been received by telegraph.

—	White				White (deaths)			
	Men	Women	Children	Total	Men	Women	Children	Total
Natal	3 418	9 953	10 905	24 276	3	10	29	42
Cape Colony	808	2 137	2 253	5 198	—	—	—	—
Orange River Colony . . .	6 926	15 714	17 308	39 948	28	19	30	77
Transvaal	9 279	17 964	19 907	47 150	14	14	49	77
Total:	20 431	45 768	50 373	116 572	45	43	108	196

III. Aktenstücke über eine Unterredung zwischen dem Kolonialminister Chamberlain und den Burengeneralen Botha, De Wet und Delarey.*)

Nr. 12711. **GROSSBRITANNIEN.** — Die Burengenerale an den Kolonialminister. Fordern eine Unterredung.

August 20, 1902

Telegram. || As having been decided after consultation with Mrs. Meyer that the funeral of the late General Meyer shall not, as anticipated, take place forthwith in Europe we are free to resume the course we had originally laid down for ourselves, viz., to request to be favoured with an opportunity of meeting your Excellency to submit and discuss questions of the greatest importance and interest to our country and people, we are prepared to return to London forthwith for the purpose, and would be pleased to ascertain when it would suit your Excellency to give us an audience to lay before you the matter referred to; we would be pleased,

*) Blaubuch Cd. 1284.

if such should suit your convenience, if a meeting could be arranged early in the following week, but we hold ourselves completely at your disposal, trusting that, in view of the urgency of the matter, your Excellency will be pleased to grant us the desired interview at as early a date as possible. Kindly send reply to Brussels.

Nr. 12712. GROSSBRITANNIEN. — Der Kolonialminister an die Burengenerale. Antwort auf das vorige.

August 21, 1902.

Telegram. || Please communicate following to Generals Botha, de la Rey, and de Wet: — || Begins: „I had hoped to have preliminary discussion with Generals on board 'Nigeria' if they had been able to accept invitation; failing this Lord Roberts undertook to arrange interview at Colonial Office on 2nd September at 3 o'clock. If convenient to them I will come up to London to meet them. || „I should like to know beforehand the subjects on which they wish to see me. If they will send list to Colonial Office I will get all information and shall be able to deal with them without delay which would be necessary if I have no knowledge of their wishes beforehand." Ends.

Nr. 12713. GROSSBRITANNIEN. — Die Burengenerale an den Kolonialminister. Übersenden das Verzeichnis der Gegenstände, über die sie eine Unterredung wünschen.

The Hague, Holland, August 23, 1902.

Sir, || We have the honour to acknowledge receipt of your Excellency's telegram of the 21st instant, and in compliance with the request contained therein, we beg herewith to inform you that the principal subjects which we wish, in furtherance of the views and wishes of our people expressed to us, to submit to your consideration, and discuss with your Excellency, are the following: —

1st. — Respectfully to submit a petition for complete amnesty for all British subjects who have taken part with us in the late war, and pardon for all persons convicted for acts committed during the war in connection therewith. || 2nd. — To seek to obtain a yearly grant or sufficient allowance for the maintenance and support of the widows and orphans of burghers and of maimed burghers unable to support themselves. || 3rd. — To submit that equal rights should be accorded to the

English and Dutch languages in schools and Courts of Law. || 4th. — To submit that rights, equal to those accorded to British subjects, should be conceded to burgers of the late Republics and their families who have complied with the terms of surrender, or are prepared to comply therewith, including the right of immediate return to South Africa of all burghers who may desire to do so; also the immediate release of all prisoners of war who desire to be released, and are in a position to support themselves. || In connexion herewith, to obtain acknowledgment of equal consideration for all those who obtained the rights of burgership, whether before or during the war. || 5th. — The reinstatement of officials of the late Republics in the Service, or their compensation for loss of office. || 6th. — Compensation for all loss occasioned by British troops by use, removal, burning, destruction, &c., of all private property of the inhabitants of the late Republics. || 7th. — The reinstatement of inhabitants in the ownership of their farms, confiscated or sold in terms of the Proclamation of 7th August 1901. || 8th. — Compensation for the use of properties of burghers taken possession of by the British authorities. || 9th. — Payment of lawful obligations of the late Republics, including those incurred during the war. || 10th. — To rescind the decision whereby a portion of the Transvaal is proposed to be cut off and added to the Colony of Natal. || 11th. — To grant extension of time of payment of all debts due by burghers to the Governments of the late Republics, and to secure to them the benefits of Article 10 of the „Terms of Surrender".

Furthermore, we shall take the liberty of submitting, in connection with the carrying out of the „Terms of Surrender": — || (A) A protest against, and request for the abolition of, the compulsory administration of the oath of allegiance to burghers of the late Republics, in contravention of Article 2 of those Terms. || (B) To submit considerations against the Commissions as at present constituted under Article 10 of the Terms. || In connection herewith we have the honour to enclose herein, for your Excellency's consideration, a copy of a letter addressed by General Botha to his Excellency Lord Milner, on the 29th July last. (C) To seek for elucidation as to the intent of and assurances regarding the free grant under Article 10 of the terms.

Besides the foregoing, there are other matters which we would be pleased to be allowed to submit for your Excellency's consideration, but which we do not for the present deem necessary to specify more particularly herein. || We beg to confirm the telegram of General Botha of 22nd instant, intimating on his and on our behalf, that it will afford us

pleasure to attend on your Excellency on the 2nd September proximo, at 3 p.m., at the Colonial Office.

Louis Botha.
C. R. de Wet.
J. H. de la Rey.

Anlage.

General Botha to Viscount Milner.

Cape Town, July 29, 1902.

(Translation.) || Excellency, || I feel obliged to write to your Excellency with the object of preventing dissatisfaction in the Transvaal, which will certainly come if changes are not made. || The members of the Commissions appointed in accordance with the terms of peace, and whose names are published in the Government Gazette, are not only men who have not sufficient practical experience of farming, but they are not sufficiently appointed out of those people who fall under the treatment of these Commissions. That every magistrate must be on the Commission is in terms of the agreement, but why a captain of constabulary must be a member I do not understand. Further, also, an injustice is done us by persons being placed on these important Commissions who were unfaithful to their former Government and people. During our negotiations your Excellency stated distinctly, in reply to a question by Advocate J. C. Smuts, that no one except those who were on the veldt up to the last and prisoners of war would draw any benefit out of the free gift of 3000000 l. The appointment of such persons causes unnecessary friction and dissatisfaction. || If your Excellency does not trust us, then appoint Englishmen, but not men who have already been unfaithful towards those whom they now must help and over whom they are now placed. || I pray your Excellency appoint more men out of the people on these Commissions. Place more faith in our people, and do not treat them as enemies. If the Commissions cannot gain the support and trust of those who must be assisted out of the three millions, then I fear that this amount will ultimately not help the people more than the amount paid for the liberation of slaves in the Cape Colony. || Further, I beseech your Excellency not to demand the oath of allegiance from burghers, prisoners of war in or out of South Africa. We agreed distinctly that the oath of allegiance would not be demanded, and notwithstanding this, taking the oath of allegiance is made a condition for the return of prisoners of war in as well as out of South Africa. Demanding the oath of allegiance from prisoners of war is directly in conflict with the Treaty of Peace, and Your Excellency will understand that the taking of this

oath is most hurtful, more particularly to those burghers from whom it can be expected that they will be the best subjects of His Majesty's Government. The person who is compelled to take an unnecessary oath of allegiance certainly has grounded reasons of dissatisfaction. I therefore request your Excellency kindly, but also urgently, to give instructions that all prisoners of war be allowed to return to their residences without being required to take the oath. || It is my duty to bring something else to your Excellency's notice. When I was recently in a concentration camp in Natal I saw something that hurt me particularly, viz., that some of our women were obliged themselves to carry their fuel, consisting of large blocks (of wood) the long distance from the station to the camp. This was so painful to me that I spoke with the Camp Commandant, as well as with Sir Thomas Murray, about it. I trust that your Excellency will have such provision made that it will not be necessary for women to perform such hard labour. If I can do something in this matter it will be an honour and a pleasure to me. || After mature consideration I wish respectfully to make the following proposal in connection with the various concentration camps. That all concentration camps outside of the Transvaal be broken up, and the inmates be transferred to a camp in the district from where they come. Where a district is not connected with the railway, the camp can be placed at the nearest railway station, and then from out of these camps the people can gradually, and much more easily than now, be removed to their farms. This will help very much to remove the dissatisfaction from the camps It will also be very good if more facilities be granted to families who can return to their homes by supplying them with free passes to travel on the railway in proper carriages, and not in open trucks. I think we can expect that the railway, but for absolutely necessary traffic, shall in the first place be used for bringing these families back to their residences again. Louis Botha.

Nr. 12714. **GROSSBRITANNIEN.** — Der Kolonialminister an die Generale. Ist überrascht über die Wünsche und fordert nähere Erklärungen.

Colonial Office, August 28, 1902.

Gentlemen, || I am honoured by the receipt of your letter from The Hague, in which you favour me with a list of subjects on which you desire to confer with me at our proposed meeting on 2nd September.[1] Both the number and the character of these proposals have greatly sur-

prised me, and I feel that before any interview takes place it is desirable, and even necessary, that I should have some further explanation of your views. || In order to make the position clear I beg leave to remind you of the history of recent negotiations. || In March 1901, after a conference with General Botha, Lord Kitchener submitted to him the conditions on which His Majesty's Government were then prepared to accept the surrender of the Boer forces in the field. || These conditions were refused and military operations continued until April 1902, when the representatives of the Boer commandos requested a meeting with Lord Kitchener in order to submit to him proposals for peace. || A conference was accordingly arranged, and ultimately His Majesty's Government authorised Lord Kitchener to say that they were still willing to accept a general surrender on the lines of the offer made in March 1901, but with such modifications as might be mutually agreed upon. || Finally, after further meetings between the Boer representatives and Lord Kitchener and Lord Milner, terms were agreed upon, which were submitted to an Assembly of Burghers at Vereeniging, and having been accepted by them were signed by their authorised leaders and by Lord Kitchener and Lord Milner on behalf of His Majesty's Government. || In regard to these terms I will only say that there is no parallel in history for conditions so generous granted by a victorious belligerent to its opponents. || It is the desire and firm intention of His Majesty's Government to observe the terms so arranged in the spirit as well as in the letter, and if you have any representations to make on this subject, or if you consider that the interpretation of them is in any respect open to question, I shall be ready, on behalf of His Majesty's Government, to give the fullest consideration to your observations and to endeavour to remove all possible doubts on this subject. || But I observe that the proposals in your letter, numbered 1 to 11, constitute together a suggestion for an entirely new agreement, in many points inconsistent with and even contradictory to the conditions accepted and signed by the Boer delegates on 31st May 1902. || It would not be in accordance with my duty to enter upon any discussion of proposals of this kind, some of which were rejected at the conferences at Pretoria; while others, which were not even mentioned on that occasion, would certainly not have been accepted at any time by His Majesty's Government. || Both parties to the agreement for terminating hostilities are equally bound by its terms, and I feel obliged, in order to prevent any possible misunderstanding, to make it clear that I have no power to reopen any of the points then settled as to the repatriation of prisoners of war, amnesty to rebels, the use of the Dutch

language, and the grants of money and loans to the people of the Transvaal and Orange River Colony, indispensable to the resumption of their normal occupations. I have already said that I am ready to consider any representations that you may desire to make in regard to the way in which the conditions are being carried out, and I may add that I shall willingly receive any suggestions which, as loyal subjects of His Majesty King Edward VII., you may wish to offer for the future administration of this portion of his dominions, but it would be quite impossible for me to reopen in any way the agreement which, after full discussion, was only signed three months ago. || I shall be much obliged if you will, on receipt of this letter, inform me by telegraph whether you accept the interview on the above conditions. || Waiting your further communication,

J. Chamberlain.

Nr. 12715. **GROSSBRITANNIEN.** — Die Generale an den Kolonialminister. Antwort auf das Vorige.

Horrex's Hotel, Norfolk Street, Strand, September 1, 1902.
(Received September 1, 1902.)

Sir, || We have the honour to confirm our telegram to your Excellency of the 30th ultimo, reading as follows: — || „We have the honour to acknowledge the receipt of your Excellency's telegram and letter of the 28th instant. As we are on the point of leaving for London, we propose to avail ourselves of your suggestion by furnishing you on Monday with some further explanation of our views, which we trust will meet the difficulty raised by your Excellency, and obtain for us the early personal interview we deem so necessary." || As we are most anxious to avoid all needless controversy, we do not propose to traverse herein any part of your Excellency's statement as to the history of events leading up to the negotiations for surrender or as to the generous nature of the terms granted.

In giving effect to your Excellency's desire that we should furnish you with some further explanation of our views, we beg to remind you that the terms of surrender were placed before us by way of ultimatum. We were distinctly informed that they had to be either accepted or rejected in their entirety, without addition, omission, or modification within a definite and strictly limited time. To avoid further bloodshed the representatives of our people decided, in terms of the resolution embodying their reasons for so doing, to accept those terms. || The condition

created by the accepted terms of surrender put an end to the status of the representatives of the late Republics to act as negotiators or contracting parties on behalf of those Republics, and with them we submit ourselves to the position so created. || With the concurrence and at the request of the former representatives of our people, however, we at once resolved that what neither time nor circumstances allowed us to claim or obtain as contracting parties, submitting to superior force, we should endeavour as soon as possible to plead for, and if possible to procure, as subjects of His Majesty seeking for clemency for those who had cast in their lot with us, and for just treatment for ourselves. || In deciding to accept the Terms of Surrender we relied on the assurances given us both by Lord Milner and by Lord Kitchener that in so doing we would not be debarred from seeking, as subjects, to obtain from His Majesty or His Majesty's Government due consideration of all matters which we deemed detrimentally to affect the interests, welfare, and rights of our fellow subjects in the new Colonies. Their Lordships furthermore whilst stating that it was beyond their power to grant amnesty to those already undergoing punishment for acts done during the year, on the ground that this belonged to the prerogative of His Majesty the King, declared their readiness and intention to make representations favouring the granting of such amnesty, and we would crave to be allowed an opportunity to support any representations already made by their Lordships in this connection. || We feel the less scruple in soliciting the honour of an interview wherein we shall be allowed to submit for your Excellency's consideration, and discuss with you, the subjects already at your Excellency's request enumerated in a previous letter, because we feel convinced that thereby we would at the same time be offering to your Excellency suggestions conducive to the successful future administration of the two new Colonies, which your Excellency has expressed your willingness to receive from us. || We fully endorse your Excellency's statement that both parties to the agreement for terminating hostilities are equally bound by the terms thereof, and we wish to assure you that we do not seek to meet you as parties claiming the right to contract anew or to substitute a modified agreement for the existing one, but only, as already stated, as subjects of His Majesty seeking to obtain a fair hearing and, as we respectfully submit, clemency and justice. || We wish respectfully and cannot too earnestly impress on your Excellency our solemn conviction that on the granting of our prayer for clemency and of a substantial measure of compensation, aid, and relief to our people — lately burghers of the two Republics — will to a great extent depend their

welfare and happiness, and the prosperity of the country. || We trust that in making it clear to your Excellency that we are not seeking to approach His Majesty's Government in a capacity which we no longer have a right to assume, that we have succeeded in removing any doubt or difficulty that your Excellency may have entertained in granting our request for a personal interview on the points specified in our previous letter. || We are glad of the intimation of your Excellency's readiness to allow us to make representations, which we are most anxious to do, as to the manner in which effect is being given to the terms of the agreement, as we respectfully submit, contrary to the letter and spirit thereof. || It will afford us great gratification to be allowed the personal interview tomorrow (Tuesday) afternoon with your Excellency as previously arranged.

Louis Botha.
C. R. de Wet.
J. H. de la Rey.

Nr. 12716. **GROSSBRITANNIEN.** — Der Kolonialminister an die Generale. Verlangt eine Zusage, daß die Generale keinen Gegenstand, der mit der Konvention von Pretoria nicht zusammenhängt, besprechen wollen.

Birmingham, September 1, 1902.

Gentlemen || I have the honour to acknowledge the receipt of your telegram of the 30th August and of your letter of 1st September. || I regret to find that in this letter you do not accept the condition which I felt it my duty to make as a necessary preliminary to any official interview, namely, that there should be no attempt to reopen the agreement which was signed in Pretoria only three months ago. || On that occasion, actuated by motives of humanity, His Majesty's Government authorised Lord Kitchener and Lord Milner to agree to terms of unprecedented liberality, and it would be unfair to you to allow you for one moment to suppose that any good result could follow from an attempt to obtain better terms than were then conceded. As you yourselves remind me in the letter under reply, the conditions were in the nature of an ultimatum, which it was open to you to accept or refuse, but which His Majesty's Government were in no case prepared to alter. In the opinion of His Majesty's Government these terms included a substantial measure of aid relief to those burghers who were in need of it, and went as far in the direction of clemency as justice to His Majesty's loyal subjects would

possibly admit. || I am unable to communicate with Lord Milner or Lord Kitchener in time for this reply, but from the communications received from their Lordships at the time of the Conferences I am under the impression that they both considered the terms then arranged by them as final, and that they did not anticipate any attempt on your part to ask for modifications so vital as those contained in the list of subjects that you have been good enough to forward to me. || In any case, I feel obliged to adhere to my former decision, and, while ready to discuss with you the questions indicated in my letter of the 28th ultimo, I think it necessary to ask you for a formal assurance that you will not raise any subject inconsistent with the settlement arrived at in Pretoria. || On receipt of such an assurance I would endeavour to arrange for the presence of Lord Kitchener at an interview to be subsequently arranged at a time to suit your convenience, and which I should make it my special duty to attend, but I could not accept a meeting under circumstances which could only lead to disappointment and misunderstanding.

J. Chamberlain.

Nr. 12717. **GROSSBRITANNIEN.** — Die Generale an den Kolonialminister. Antwort auf das vorige.

Horrex's Hotel, Norfolk Street, Strand, September 3, 1902.
Received September 3, 1902.

Sir, || We have the honour to acknowledge the receipt of your Excellency's letter of the 1st instant. || There is much in that letter which we would respectfully wish to controvert, but it would probably serve no good purpose to seek to do so at present herein. || We deeply regret that your Excellency should feel obliged to adhere to your former decision that to grant us a personal interview on several of the subjects which we wished to submit for your consideration and discuss with you would be a reopening of the agreement of surrender which was signed in Pretoria three months ago. Those subjects appear to us to be of such overwhelming importance in relation to the future welfare of the people and the proper administration of the country, that we wish and deem it our duty to reserve for a future occasion the making of further representation in writing to your Excellency thereon, although necessarily less fully and satisfactorily than would have been the case had we been allowed to do so personally. || Seeing that for the present your Excellency's resolve remains unaltered, and forced by the circumstances in which we are placed, we are prepared to give the required formal assurance that

we submit ourselves to the conditions imposed on us not to raise any subject, in the personal interview to be accorded us by your Excellency, which according to your Excellency's letter to us of the 28th ultimo, you hold to be inconsistent with the terms of surrender agreed to at Pretoria. || We are pleased to learn that it is your Excellency's intention that Lord Kitchener should be present when we have the honour of meeting you. || We beg to be favoured with an intimation as to the earliest date on which it would suit your Excellency's convenience to grant us the interview sought for.

Louis Botha.
J. H. de la Rey.
C. R. De Wet.

Nr. 12718. GROSSBRITANNIEN. — Unterredung zwischen dem Kolonialminister und den Burengeneralen.

Shorthand Report of the Interview held at the Colonial Office on September 5, 1902, at 3 pm.

Present: The Right Honourable J. Chamberlain, M. P., Secretary of State for the Colonies. || The Right Honourable The Earl of Onslow, Under Secretary of State for the Colonies. || The Right Honourable Viscount Kitchener. || Mr. Frederick Graham, Assistant Under Secretary of State. || Commandant-General Louis Botha. || Chief Commandant-General Christian De Wet. || Assistant Commandant-General J. H. de la Rey. || Mr. J. H. de Villiers, the Interpreter.

The Secretary of State: Well, gentlemen, I am glad to see you, and, subject of course to the conditions which I felt obliged to make, I shall be very glad to hear anything that you wish to say. || The Interpreter: General Botha says that with regard to the first letter he wrote he just wants to make one remark. He thinks that you were under a wrong impression. That it was not their intention to alter the terms of the agreement, the terms of surrender, in any way at all. || The Secretary of State: I am very glad to hear it. || The Interpreter: And what they were going to say with regard to those articles was simply because they know the people of South Africa, and it was only with that object of a better administration of the country. A very important point to them was the point of amnesty, and he understands that a Commission of Inquiry has been sent to South Africa to investigate all those cases, and they will now make it a special point to tell some gentlemen in South

Africa to bring everything that can be said on behalf of those men before your Commission of Inquiry.

The Secretary of State: I think, in order to prevent any misunderstanding, I ought to make it quite clear to General Botha exactly what we have done. Of our own accord, quite voluntarily, without any application having been made to us, we decided to appoint this Commission, but the object of the Commission is simply to examine into all those cases of sentences upon rebels which are not yet expired. In the case, for instance, of a man who has been sentenced, let us say, to five years' imprisonment which is not yet expired, his case will be reviewed by this Commission, but in the case of sentences which have expired, for instance, where a man was condemned to a short period of imprisonment which he has served, and the sentence has expired, the Commission has no power to go back upon that, or to interfere in any way. And then we have given to this Commission power to call evidence where they think it to be necessary, but the ordinary course will not be to re-try all these cases, many hundreds in number, but they will look at all the papers, the account of the evidence, the decision that has been given, and only if they think that further evidence is necessary in order to arrive at a just conclusion will they call witnesses. In all other cases they will judge from the papers whether or not they should recommend a total or a partial amnesty. || The Interpreter: General Botha says he is glad to be made clear on that point. General Botha says that he has been told by the Natal Government that with regard to the Natal rebels who have not been tried as yet, and who are still in the Transvaal territory, correspondence has taken place between the Natal Government and the Colonial Office. || The Secretary of State: I will inquire what information I have received from the Natal Government; but perhaps General Botha will tell me what he understands the effect of this communication has been and what argument he wants to draw from it. || The Interpreter: General Botha says that he went to Natal after peace had been declared and said that peace had to be made for all, to try and move the Natal Government to give them amnesty in the same way as the Cape Government, and the Governor and the Prime Minister said to General Botha that they were inclined to give amnesty, but they were still in correspondence with the Colonial Office on the subject. || The Secretary of State: General Botha knows, because the matter was discussed at Pretoria when the Convention was signed, and we stated, or Lord Kitchener or Lord Milner stated on behalf of the Imperial Government, that in the case of Natal rebels we could not interfere with the

action of the self-governing Colony, and it would remain with the Natal Government entirely how their rebels should be treated. That is the case still. It is not a matter for us: it is a matter for the Natal Government, and it would probably be satisfactory to General Botha to know that the Natal Government had behaved with very great magnanimity, and they have already, and without waiting for any report of our Commission, amnestied, or reduced the sentences of, I think, a considerable number of the rebels, who had been charged. Is that not so, Mr. Graham? || Mr. Graham: That is so. || The Interpreter: General Botha says he merely referred to it because he was referred to this office in connection with the amnesty. Of course, you must understand that this is a very delicate question, the question of amnesty, and that they were rather disappointed, after the promise given to them by Lord Kitchener, that at the time of the Coronation Lord Kitchener would make a recommendation tho the Government. They were rather disappointed that these men were not amnestied at the time of the King's Coronation. || The Secretary of State: Before asking Lord Kitchener to answer General Botha upon that point, I would say in the papers which have come to us, and which are printed, and of which the General has, no doubt, copies, there is no reference whatever to anything of that kind, and, on the contrary, a statement was made to the Generals and to the signatories of the agreement. After handing to them a copy of the draft agreement the following statement was read to them dealing with this question of amnesty. What was then stated was that His Majesty's Government must place it on record that the treatment of the Cape and Natal colonists who had been in rebellion and who now surrender will if they return to their colonies be determined by the Colonial Governments, and in accordance with the laws of the colonies, and that any British subjects who shall have joined the enemy will be liable to trial under the law of that part of the British Empire to which they belong.

The statement then goes on to repeat the terms which the Cape Government had declared that they would grant in the case of rebels, and it finally says: „The Natal Government are of opinion that rebels should be dealt with according to the law of the Colony." That is the whole of the undertaking of which His Majesty's Government have any cognisance whatsoever; I will put the papers in your hand, and you can translate it.

Lord Kitchener: I think General Botha knows it was — I should like to say that that statement is the final statement about the amnesty question which was given, and must be considered as the only one which was in

any way binding on us or had anything to do with what we, Lord Milner and myself, spoke of at the time. It was clearly understood that that finally settled the question. That statement was the last statement we made at the end of the Conference. What subsequently passed between General Botha and the Government of Natal I do not know of. || The Interpreter: General Botha says he admits that statement referred to by Mr. Chamberlain. || The Secretary of State: And then, will General Botha allow me to call his attention to another subject. This is from a speech delivered by Mr. Schalk Burger, who was one of the signatories of the agreement, at a place called Hawick, and he said: — „As regards paragraph 4, which states that no proceedings, civil or criminal, will be taken against burghers surrendering. I must point out to you that rebels, both in the Cape Colony and Natal will have to stand their trials, and the Cape rebels who plead guilty to high treason will be only deprived of the franchise, with the exception of the leaders, who will be at the mercy of the Court, but in no case will the death sentence be enforced. In Natal rebels will be punished in accordance with the ordinary laws." I call the attention of General Botha to that, because it shows that a considerable time after the agreement was signed, Mr. Schalk Burger was perfectly well aware of the exact terms which had been arranged, and of course we do not wish to go beyond that. || The interpreter: General Botha says he does not dispute that. The only thing that he wanted to call Lord Kitchener's attention to, was promises made for recommendation at the time of the Coronation for amnesty. || The Secretary of State: Perhaps it would satisfy General Botha if I say that so far as the action of the Government of Natal and of the Government of the Cape is concerned, certainly this Government — the Imperial Government — will not interfere in order to hinder any generous intentions which they may have in regard to the rebels in these Colonies. || The Interpreter: He says that he thanks you very much for those words, and his only object was that the British Government should show the magnanimity so as to enable us all to live in peace in future in South Africa. The second point is with regard to the burghers of Ceylon and St. Helena and elsewhere. General Botha says there are a great many of these burghers who are now refused permission to return to South Africa. || Lord Kitchener: It is only a question of waiting until martial law is over. || The Interpreter: General Botha wishes to explain himself. Whereever they go they meet burghers of the same who were early in the war; others who have been allowed by the British Government and military authorities to go to Europe, and so on, and it is natural that

these men are very anxious to get to their wives and families who are in some cases in the camps. || Lord Onslow: Have they applied for permission? || The Interpreter: Some have applied. He only speaks of those people who can support themselves. They will not be a burden. || The Secretary of State: I quite understand, but I think there must be some misunderstanding or misapprehension, and at all events the only way in which we could properly deal with a question of that kind would be by taking each case on its merits. It is very difficult to deal with it as a general question, where we do not know the details; but I will just read to General Botha the instructions I have myself given in the matter, and I think he will see they are all that could be expected under the circumstances. As he knows, and nobody better, it is impossible in the existing state of the new colonies to allow everybody to go back at once. There are many people still in the camps and elsewhere, and they cannot go back, because it must take a little while to make the necessary preparations, otherwise there must be great distress amongst them, and therefore we are obliged to take precautions, not because we want to keep them back, but in their own interests, in order that when they come back they may have means of livelihood. Perhaps you will explain that, and I will read this after. || I will read to you a telegram I sent on the 10th July to Lord Milner on this subject: — || „I propose to adopt the following course with regard to exburghers wishing to return to South Africa: Each applicant for a permit to land would be required to give full information as to his burghership, place of residence in South Africa, &c., and I will send out to you by each mail the applications received. You are to reply stating in which cases you approve of issue of permit and state your reasons in cases where you do not approve. Those of whom you approve will then receive permits on their signing declaration in the form prescribed. Procedure in the case of prisoners of war on parole will be the same, except that where they cannot pay their own expenses they will be given third class passages on transports." || Now, I should add to that, that some precaution is necessary to prevent imposture, otherwise we may have people who are not burghers at all claiming to go back, and that although I asked Lord Milner to let me know in any case in which he did not approve, up to the present time he has not disapproved of any application.

The Interpreter: General Botha says there is one case, for example, that of Mr. Wessels, a member of the former deputation, who has been refused permission to go back to South Africa. || The Secretary of State: No, that is not so. || General Botha: Yes, I have got letters. || The Secre-

tary of State: I think, General, you must be mistaken; there has been no refusal. || General Botha: He was referred to Lord Milner, and Lord Milner referred him to you. || The Secretary of State: I will get the papers. || General Botha: I saw the papers. || The Secretary of State: I will just inquire. As regards Mr. Wessels, he has not been refused, but has only been told that the case was still under considerations, they could not give an immediate answer. I think perhaps in any ordinary case there would be no difficulty whatever about the return of gentlemen who are ex-burghers and who under any circumstances had come to Europe during the war. I say under ordinary circumstances. Of course the Government must keep in its own hands the right to prevent the return of people whom they believe to be disloyal and who have not frankly accepted the Terms of Peace. General Botha will, I am sure, like me, speak freely. Some members, or one member at any rate, of the delegation that signed the Terms of Peace, is reported to have used language which is not consistent with the declaration that he then made, that he would accept King Edward VII. as his true and lawful ruler. || The Interpreter: One member of the — — || The Secretary of State: One member of those who signed the Terms of Peace. I do not think there should be any holding back of names — I refer to Mr. Reitz. We want to be friends, but the friendship must be on both sides, and where anyone gives us reason to believe that he will not be friendly if he returns to South Africa, we will do our best to prevent him from returning. But with regard to those whom we believe to be perfectly honest and straightforward with us we think there will be no difficulty in their early return to their country. || The Interpreter: General Botha says he hopes you are not visiting the sins of one man on others. If one man says anything foolish let him suffer for it alone; he does not know anything about the statement of Mr. Reitz. General Botha hopes you will not think it amiss if he says this, that he would like you to trust them. || The Secretary of State: To trust whom? || The interpreter: To trust himself, and the others, and the people in general who have surrendered — who have come in. || The Secretary of State: We have accepted all that they have agreed to as having been agreed to in perfect good faith, and until they give us any reason to doubt them we shall place entire trust in them. || The Interpreter: General Botha says that those people who can support themselves, even prisoners of war, he would be very glad if something could be done to meet them so as to let them go home as soon as possible to their wives and families. || The Secretary of State: I beg General Botha to put himself in our place. Our

desire is to get rid of them as soon as we possibly can, it is to our interest. We do not want to keep all these gentlemen who have been sent to St. Helena or Ceylon, they are costing us a great deal of money so that we are too glad to send them off just as soon as we possibly can; but, as he knows, we have already done much more than we thought would be possible at the time the agreement was come to. I forget the exact numbers, but one-third of the whole of the prisoners has already been sent home and we are sending the others as fast as we possibly can. About 9000 prisoners have already been sent back and the result has been that at this moment there has been a congestion in South Africa — I mean difficulties of transport and providing food and so on, and Lord Milner has telegraphed to us that he wishes us to stay our hands a little, but that has nothing to do with the desire to keep these men longer than we possibly can do, it has only to do with the difficulties of transport and repatriation. With reference to that I know we had some correspondence on the subject. I think General De Wet had some near relations at St. Helena. Those had been sent home. || The Interpreter: General De Wet says his son arrived two days before he left South Africa. || The Secretary of State: We endeavoured to secure that there should be no difficulty in hastening their return. || The Interpreter: General Botha says he would like to know whether the oath of allegiance was still asked of those prisoners of war? || The Secretary of State: They have, as they have had almost from the first, the choices of taking the oath or a declaration which was approved of before the Generals left South Africa. || The Interpreter: General De Wet says that his children told him that the oath was demanded of them, and he said that in case they refused that they would not be allowed to leave St. Helena at all. || The Secretary of State: That was at the commencement and before any objection was taken to the oath. The Generals will remember that according to the terms of peace — — || The Interpreter: General De Wet says that on the 16th June he drafted the declaration with Major Goold-Adams. I believe on the 4th July the oath was still demanded from his children in St. Helena. || The Secretary of State: Well I do not know how that is, but I will explain the matter at all events as we understand it. By Article 2 the burghers in the field and all prisoners of war who are burghers will on duly declaring their acceptance of the position of subjects of His Majesty King Edward VII. be gradually brought back to their homes. Well, now, the words „duly declaring their acceptance of the position of subjects of His Majesty King Edward VII." I think mean here, if legally interpreted, upon their

taking the oath of allegiance, and accordingly in the first instance we asked that such an oath should be administered to all the prisoners of war. Then we understood the objection was taken by the Generals that they had understood that an oath would not be required, and that a declaration would be sufficient. We had no objection whatever to giving choice to all the prisoners of war whether they would take the oath or whether they would make a declaration. We did so on the authority of the Generals that a declaration would be just as sacred to their fellow burghers as an oath. Therefore, as General De Wet has said, we agreed to a form of declaration, and that was sent to us and signed on the 2nd July. It would not have had time to get out to St. Helena on the 4th of July, therefore it is quite possible that General De Wet's sons were asked to take the oath of allegiance on the 4th of July, but at the present time our instructions have now got out to all the camps, and in every case the prisoner can either take the oath the same as other British subjects, or he can make a declaration in the terms which have been agreed upon if he prefers it.

The Interpreter: General De Wet says that on the 23rd July there were four respectable burghers in gaol because they had refused to take the oath of allegiance. Major Goold Adams knew nothing about it, and when he brought it to the knowledge of Major Goold Adams they were released immediately. || The Secretary of State: Quite so; that only proves what I say; that our intentions were clear. There may have been a mistake in a particular case, but if so, and upon complaint made, it was immediately redressed, and I would like to tell General De Wet I have here a copy of the telegram which was sent by Lord Milner to the Governors commanding the prisoners' camps in different parts of the world, including St. Helena; and Lord Milner says (this was dated July 2nd), in telegraphing to the Governor of St. Helena: „I have added that if General De Wet's sons make this declaration they should be sent home in the next batch of prisoners." || The Interpreter: General De Wet says that on the 4th day of July his sons were compelled to take the oath of allegiance if they wanted to return. || The Secretary of State: There is the instruction that was sent on the 2nd July. It is possible that did not reach St. Helena by the 4th of July, but there is the instruction. || The Interpreter: General De Wet says Lord Milner had promised him to cable the despatch at once. || The Secretary of State: Yes, Lord Milner promised and Lord Milner kept his promise, as he always does. Here is the telegram sent on the 2nd July, having special reference to the General's sons. || The Interpreter: One cable was sent direct to General De

Wet's son by the General himself. General Botha says you will excuse him talking openly and frankly to you, but he says he was very dissatisfied on the point, and it is a good thing that he was six thousand miles away from this office, otherwise you would have had him here every day during the time. || The Secretary of State: I am very glad that the General should speak frankly to me, but I do not understand why, after my explanation, he should have any dissatisfaction, because it is evident that at the moment he and his friends made this representation we agreed to an arrangement which was satisfactory to them, and we telegraphed it out the same day, I believe, that the agreement was come to, to all the Governors in all the encampments. What more could we have done? || The Interpreter: General Botha says he does not blame you, sir, not here, but they had this telegram before Lord Milner for a long time, and he refused to send it through to the camps, and Lord Milner told them: — „Since the people are taking the oath of allegiance, why should I send such a telegram?" and in the meanwhile the Generals got wires from Bermuda and elsewhere to say that the prisoners refused to take the oath of allegiance unless they, the leaders, told them to take it. No telegram then could go through, and only weeks after that Lord Milner consented. || The Secretary of State: Well, I think General Botha is under a misapprehension. This telegram is from Lord Milner to me; it is dated July 3rd, and he says: || „I have just" (that means immediately, just lately), „after some lengthy discussions, arrived at an understanding with the Generals and have sent the following telegram from them to all prisoners' camps through the Governors of the several Colonies and the Viceroy of India." || Now, of course, I quite understand that in the first instance there was a certain delay while Lord Milner was discussing the point with the Generals and communicating with us and getting our authority, but, as I understand, Lord Milner's telegram which contained the messages from the Generals to the prisoners was sent off, and it was sent off officially, and therefore took precedence of every other telegram. || The Interpreter: General Botha says he would like to ask a question on Article 3 of the Terms of Surrender. That Article reads, those burghers who come in or who are brought back in that way will be granted their personal freedom and their property. || The Secretary of State: Yes. || The Interpreter: General Botha says there is one point upon which he would like to have your support, Sir. He says he does not know whether it is so, but he has seen in the papers that there is an intention by Lord Milner of selling farms belonging to burghers. || The Secretary of State: No, there is not the slightest foundation for that.

The Interpreter: General Botha says it will be obligatory on a man where he has a big farm to sell a portion of the ground. || The Secretary of State: No, I think he is under a misapprehension; but I will explain the only thing that can give rise to what he has heard. There was a proposal, but it has not yet been carried out, to take powers in the Transvaal and the new Colonies, which are very common in all countries, both here and in the colonies, to compulsorily acquire pieces of land upon a basis of their full value. The reason is this: suppose that you want to make a railway, you cannot make the railway if every private owner of property is able to say, „You shall not go through my land". Therefore, in every case, power is given to take compulsorily the property which is necessary for the making of any great public work. And a power of that kind which already exists, I think, which existed in the late Government, is particularly necessary in the Transvaal if we are hereafter to do anything in the way of irrigation. An the only power which has been taken, up to the present time, is to be allowed to take land for public purposes on payment of the full compensation.

The Interpreter: General Botha says that lands will not be expropriated in the way, for instance, to colonise the country. || The Secretary of State: At present no power has been taken for that purpose. What may be considered hereafter I could not say, but at present no powers of that kind have been taken. In one of the self-governing colonies where we have no control whatever — I mean the Colony of New Zealand — powers of that kind have been found advantageous in the interests of the whole community, and the object of them was to break up very large estates and to enable a larger number of persons to reside on the land — in fact, to secure the interests of the majority. We have a similar law in this country — in England. If people want small holdings of land and cannot get them, there are powers by which the local authorities can, on payment of full compensation, take sufficient land from an estate, provided it does not damage the estate, to provide for the small holdings. || The Interpreter: General Botha says that he merely mentioned the point because the people feel very uncertain since that point has been raised. The feel as if they had no security whatever for their property, and he hopes that you will not raise that point until self-government has been granted. || The Secretary of State: I hope that we shall give them no cause for dissatisfaction. Any proposal of that kind, if it ever is made, will be published and well known to everybody before it is enforced, and they would have an opportunity of making any remarks or criticisms, either to me or to the local Government, that they

desired. || The Interpreter: General Botha begs to thank you for that. In connexion with this point he says he understands several farms have been sold under the Proclamation of the 7th August in the late Orange Free State, and he would like to know whether there is any possibility of giving back these farms to the former owners? || The Secretary of State: I inquired into the matter, and I believe that the farms sold for very good prices, and I am not certain whether the former owners would wish to have the farms or whether they would wish to have the money. || The Interpreter: General De Wet says that they were sold for very low prices. He knows some of the farms personally. He says that as to one of the burghers who surrendered at a time he was in a position to tell him what his farm fetched, and Lord Milner said he could get the money but not the farm. The burgher said that was not half the value of the farm, and it was all he had. || The Secretary of State: Some of the farms were sold to private individuals; it is impossible to recover them in that case; but three, I think, were sold to the Government, and I am willing, if the Generals desire it, to ask Lord Milner whether he cannot arrange to re-transfer the farms bought by the Government to the private owners, if they desire to have them back. || General De Wet: Thank you, thank you. || The Interpreter: General Botha says with regard to Article 4 there were three cases of acts contrary to the usage of war which were specially kept out, mentioned. Now we see from the papers that there are several other cases. Some people have been put in gaol, and there is a case there, and a case there, all brought up. || Lord Kitchener: Impossible. || The Interpreter: There is the case of Moseley. General De Wet says this man Moseley lived in the district of Volkstroom. Now, five officers, three commandants, a field cornet, and another one had been kept in gaol and tried, and he saw in the paper that the case had been postponed from Saturday to Monday. || Lord Kitchener: Is it for a charge which took place during the war? || General Botha: Yes; Moseley was shot during the war by our side. He was brought up and shot, and now the people who arrested Moseley at the time are brought up and placed in gaol. || The Secretary of State: And they were not in the list Lord Kitchener supplied? || Lord Kitchener: No, they were not. I should like to see the papers on the case; if it is as stated by General De Wet, it appears to me to be a case that should not have been tried. The Secretary of State: If the Generals will kindly give me, if they can, the names and the full particulars I will telegraph at once, and, undoubtedly, if these persons are being tried for acts committed during the war, and were not on Lord Kitchener's list, that shall be put right, and

your present statement, as I understand, is made on the authority of a newspaper paragraph? || General Botha: Yes.

The Secretary of State: We are very careful about acting upon newspaper paragraphs. || The Interpreter: General De Wet says it is a Bloemfontein paper, and the evidence of the witnesses also appears in the same paper. || The Secretary of State: At once we will look into it; at once by telegraph if you will kindly send us the particulars. || The Interpreter: General Botha says that with regard to Article 10 of the Terms of Surrender with regard to the 3 000 000 *l*., there is great dissatisfaction about the composition of those Commissioners appointed by the Government. This is one of the points in which it seems as if they are not trusted in this matter, and people are placed in responsible positions over others that seems to him unnecessary. || The Secretary of State: I do not understand. || The Interpreter: General Botha says the people are appointed to these commissions who ought not to be appointed to them. || Lord Kitchener: Go on. || The Secretary of State: Yes, perhaps the General will go on. || The Interpreter: General Botha says there is a strong feeling between the ordinary burgher and the National Scouts, and it will take time before the feeling wears off. The National Scouts amount to about 6 000 or 7 000 men, and the burghers, including the prisoners of war, amount to about 55 000 men. On these commissions six men are appointed — on each of these two or three National Scouts are appointed, or if not National Scouts men who surrendered before. He says further that these 55 000 men are only represented by one man on each commission. In consequence of this some people say they do not want to go there at all, and the composition of this commission causes unnecessary friction. In addition, a captain of constabulary is also appointed. The General's own feeling in the matter is that men with practical experience in the country should be appointed on the commissions. || The Secretary of State: Well, in the first place, as to the National Scouts, I cannot believe that the General expects that the British Government will treat those who fought with them, or did not fight against them, worse than those who fought against them. I am quite sure that if the circumstances had been reversed they would have felt that loyalty required them to be true to those who had supported them, and it is the same thing with us; we must be true to those who supported us. But although that is a principle which we must lay down, it is not the fact that the National Scouts, or those who surrendered in the early portion of the war, have been represented in any much larger proportion than others. They have been placed with others — the burghers

who surrendered later — upon commissions, but taking the average the proportion is not much larger than the rightful proportion according to mere numbers. And now as regards the constabulary, that is a different case altogether. There, I think, it of the utmost importance, in the interest of good government and good feeling, that the head of the constabulary in each district should be on the Commission. We want the constabulary to be the friends of the people. Among their other objects they have to protect them in the case of any difficulty with natives, or with persons who are not trustworthy, and we want them to be on the most friendly relations with the people. We think that they will learn to know their circumstances, and that they will be a sort of eyes and ears for the Government to know of complaints that may be made, and to see that the people, even in the most distant districts, are treated fairly and generously and, therefore, in a matter of this kind, where the object is a beneficent one, and where the work of repatriation is to go on we think the Captain of the Constabulary in each district is the person above all others who ought to be on the Commission. Well, then, with regard to the third remark of the General I entirely agree with him; that is to say, I agree with him that there ought to be on this Commission a local farmer thoroughly acquainted with the circumstances of the district, and the industrial conditions with which he has to deal, and if he will now or hereafter bring to my notice, or to the notice of Lord Milner, a case of any single commission upon which there is not such a person of experience and knowledge and local agricultural knowledge we shall be very much obliged to him and will try and alter it at once.

The Interpreter: General Botha says he has touched upon this point because he knows there is great dissatisfaction with regard to it. He says it would not be right on his part, either to the people there or to yourself, if he did not tell you about the dissatisfaction. Look at the names of the men who have been appointed published in the papers. He agrees with you, sir, that he cannot expect you to place the National Scouts and the men who surrendered early in the war behind themselves, but where possible he says he thinks that he has a right to ask you not to give these men precedence and preference or put them in a position above the other burghers. When he looks at the composition of those commissions he thinks that they have a right to complain to be dissatisfied with these people. Many of them had not been farmers at all, they had been boarding-house keepers, and others, and they have now turned these people out of their farms, and that is what he thinks and what he feels, and he hopes, you will not take it amiss that he states it.

The Secretary of State: Well, if he will be kind enough only to let me have an illustration of what he means and explain what exception he takes to the composition in those cases I will have the matter enquired into. Of course, according to my information at the present time, the complaints which he makes are not justified. But if he will be good enough to specify them in any particular case which he will bring to my notice I will have enquiries made at once. || The Interpreter: General Botha will send it. Then about the state of affairs in the districts Vryheid and Utrecht. || The Secretary of State: I am afraid I cannot regard that as a matter for discussion. It was settled before the terms of the Convention were agreed upon. || The Interpreter: General Botha says that the people want to trek away — move away from there, and he has asked them to remain until they hear from him. || The Secretary of State: I should be sorry if they were to leave the country, and I think they will make a great mistake. I would suggest to General Botha that he should advise them to remain, and at all events see what their position is. As a matter of fact they will be better off than the Transvaal, because they will have entire self-government immediately. From the day that their transfer is completed they will be portions of the Natal community, having votes exactly the same as everybody else; they would be electing their own Government. || The Interpreter: General Botha says that he lives in the district himself, and he does not see a chance of remaining. The General says that we have given in to the British Government now, and we will show in deeds that we wish to live in peace in South Africa. He hopes you will not take it amiss his saying so, but the feeling that the Natal people of English descent have against the Boers is so strong that he cannot feel that he can live in Natal, and that is what is felt in the district of Vryheid. We have lived together with the people of Natal ever since those districts were populated, and he speaks of what he knows; they have always associated with the people of Natal. || The Secretary of State: Yes, but I hope that he will not prejudge the matter. He must remember that now the Boers in Natal will form a much larger proportion of the voters than they have done before. They must of necessity be a very important body, and their opinions must be listened to in any self-governing Colony; they will have influence if they are unjustly treated, they will have political influence to secure them relief. I do not think myself that it is possible that with such numbers as they will have they can be down-trodden or in any way unjustly used. || The Interpreter: General Botha says, of course, he would have been glad if there had been a chance, but if the thing is passed there is nothing

more to be said about it. The General says that he cannot remain there. The General says he would like to know whether there is not a chance now since peace has been declared for martial law to be done away with in the Colonies. || The Secretary of State: Yes, I do not think that it is likely to be continued very much longer. || The Interpreter: General Botha says he is very glad because they cannot very well agree with martial law in time of peace. General De Wet says he is very glad to hear it, Sir, and he would just wish to say this, that there is a feeling amongst the Boers now that we made peace three months ago, and it seems the Boers have made peace but you have not yet made peace. There is a feeling of that kind. || The Secretary of State: I should be sorry on an occasion like this to enter into any discussion which would be exceedingly controversial, but General De Wet must not take it that I agree with him at all. || The Interpreter: There is only one point more, Sir, and that is with regard to those burghers who have attained their rights of burghership since the war. || The Secretary of State: Yes. || The Interpreter: General Botha says there had been people in South Africa fighting in Kaffir wars, and there was a resolution adopted in the Volksraad that these people obtained burgher rights who fought in these wars. Now, there were men who came to South Africa, emigrants of all nationalities, who had been in South Africa and obtained burgher rights in South Africa during the war. These people have forsworn their allegiance and they became burghers of the dual Republics. || Lord Kitchener: But Lord Milner would never allow that.

The Secretary of State: In the first place, gentlemen, of course this question concerns only foreigners. Now, I admit that while I have very great sympathy with those who were natives of the Transvaal, burghers of the Transvaal and the Orange River Colony, that were fighting against us, I have no sympathy at all with the foreigners who meddled in a quarrel which was not their own. And the state of the case with regard to them is that they were, in fact, bribed by a resolution of the Volksraad, which gave them the freedom as a reward for taking part in a conflict in which they were not concerned. This naturalisation was a gift to them in order that they should fight against us. At the same time they were not required to forswear their allegiance to their parent state, and at the present time I may mention that any German or Frenchman, or any foreigner, because I think it is the same in all countries — no foreigner who was naturalised under the resolution of the Volksraad has lost his own nationality, and therefore it is the intention of His Majesty's Government to treat all such persons as foreigners, and, accord-

ingly, when they were prisoners of war they have been sent back, or allowed to go back, to their own countries, but we decline altogether to recognise them as burghers in South Africa. || The Interpreter: General Botha says it is a principle which is laid down in the Constitution which has been acted up to in all the preceding Kaffir wars, that in case of a war people who take part in the fighting against the enemies of the Republic have obtained burgher rights, and it does not only refer to people who come from Europe. Some of them had lived there for three or four years, in fact some for 10 or 12 years, and have obtained burgher rights in this way. || The Secretary of State: But these men of whom you speak who have resided in the country for 12 years might have become burghers. They did not choose to; they did not want to; the burgher right was conferred upon them in view of a war which was then threatened — those are the words of the resolution of the Volksraad, and the naturalisation was conferred upon them in order to cover them when they took sides with the then Governments. I am not blaming the Government of the Transvaal for an arrangement of that kind, but all I say is that our Government will not recognise them, and I imagine that when you refer to what took place in the Kaffir war if the Kaffirs had been victorious they would not have recognised it either; we have not refused to recognise those who were naturalised before the war, but we have refused to recognise those who were naturalised in view of the war, and who received the gift as an inducement to them to take up arms against us; those we treat as foreigners, that is all. || The Interpreter: General Botha says that is all he can tell you now or rather that he may tell you. There are other points upon which he is not allowed to speak at the present time, and he hopes that you will not take it amiss if at some future time the Generals put on paper some of those points that he would have liked to have made personally, and he thinks that because he thinks it will conduce greatly to the good administration of the country and the general satisfaction in South Africa. Of course we look to you for help, and the 3 000 000 *l.* he does not think would be at all adequate to help the people. Something might be done with regard to the widows and orphans. That is one of those points. You have got so many assets in the country. || The Secretary of State: Well, I think we had better not enter upon discussion in detail upon points of that kind. I would only remind the General that we have undertaken many obligations already, more than has ever been undertaken before in similar circumstances. I do not wish to enter into any discussion, any elaborate discussion, but I will take one case. The

General suggests that we might make provision for the widows and orphans of those who have been killed of those who have fought against us. Well, in my time I recollect very well the great Civil War in America, and I appeal to that, because that stands out as a case in which more than ever before, or indeed, ever since, the victor, the conqueror, showed a magnanimous and generous feeling to the conquered. There was good reason for it, because they were brothers, of the same race, the same religion, the same everything. It was a Civil War, but even in that case the Northern side, that is to say the victorious side, made no provision whatever, either by way of grant or pension or allowances, to people who had been wounded — to the side that been conquered. They gave them their lives, they gave them their liberties, and after a period of about ten years they gave them their votes, but they did not give them any money compensation. But we have gone one step beyond that, because we have contributed, in addition to all our own enormous expenses, a very large sum to relieve those who are really destitute in our new Colonies. We have done more than, I think, was expected of us, and we have done all that we can afford to do, and I think it would be undesirable that the Generals should press us any further in the matter either now or in writing. || As regards the general statement which he has made, I desire to reciprocate it. We want, in this country at any rate, to forget and to forgive, because if you think, as you well may, that you have something to forgive, we also think that we have a great deal to forgive; but we want to put all that on one side. The war is over. We each of us fought as well as we knew how during the war. Now there is peace. All we want is to recognise you as fellow subjects with ourselves, working, as we shall work, for the prosperity and the liberty of South Africa. How great that liberty is, how soon complete self-government is extended to South Africa depends entirely upon the rapidity with which the old animosities die out. Anything in the nature of recrimination nowadays would be an injury, and would tend do delay the complete pacification which I think we both desire. We shall certainly show trust in you whenever you will show trust in us. We shall be very glad of your co-operation, and of the co-operation of men like yourselves who have loyally accepted the new situation in securing that your special views and ideas are, at all events, represented in the Government, as well as those of other sections of the population. We want South Africa to be a happy abiding place for all who live in it, not for one class alone, not for one section, for one race, or for one political party, but for all, and our duty is to regard the

interest of all, and we desire that no section should be entirely unrepresented. I am sure that if you meet us half way you will find us to be in the future quite as good friends as we have been, I hope, loyal enemies in the past. || I should say that I propose, as soon as we can, to print our correspondence, and the report of this meeting. I think it is desirable, that you would desire, and we all desire, that there should be no secrecy, and that everybody should know, at any rate, what you have put forward and what we have replied. || The Interpreter: Yes. General Botha says it would be a good idea. Would you kindly also furnish him with a copy of the minutes? || The Secretary of State: Certainly.

The Boer Generals then withdrew.

Grofsbritannien und seine Kolonien.

Konferenz des Kolonialministers mit den Ersten Ministern der Kolonien mit Selbstverwaltung. Besprechung militärischer, politischer und kommerzieller Fragen.*)

Juni-August 1902.

Nr. 12719. GROSSBRITANNIEN. — Subjects suggested for discussion and Notices of Motion.

Subjects for Discussion.

1. Political relations of Mother Country with the Colonies. || (Secretary of State for the Colonies.)

a) Motion. „That it would be to the advantage of the Empire if triennial Conferences were held at which questions affecting the political and commercial relations of the Mother Country and His Majesty's Dominions over the seas could be discussed and considered, as between the Secretary of State for the Colonies and the Premiers of the self-governing Colonies. In case of any emergency arising upon which a special conference may have been deemed necessary, the next ordinary conference to be held not sooner than three years thereafter." || (Government of New Zealand.)

b) Communication prior to entering on treaties affecting Colonial interests. || (Government of Commonwealth.)

c) Imperial Court of Appeal. || (Government of Commonwealth.)

2. Imperial defence. || (Secretary of State for the Colonies.)

a) Motion. „That it is desirable to have an Imperial Reserve Force formed in each of His Majesty's Dominions over the seas for service in case of emergency outside the dominion or colony in which such reserve is formed. The limits within which such reserve force may be employed outside the Colony wherein it is raised to be defined by the Imperial

---

*) Blaubuch Cd. 1299. Vgl. Bd. 61 No. 11519. — Die Antragsteller sind eingeklammert. Red.

and Colonial Governments at the time such reserve is formed, and to be in accordance with any law in force for the time being respecting the same. The cost of maintaining and equipping such Imperial Reserve Force to be defrayed in such proportion and manner as may be agreed upon between the Imperial and Colonial Governments." || (Government of New Zealand.)

b) „That the Australian Squadron be strengthened — *a*) by increasing the number of cruisers; *b*) by withdrawing some of the inferior gunboats, and replacing them with modern and better class cruisers; and *c*) by adding torpedo catchers or destroyers, if deemed necessary. The extra cost of maintenance entailed to be defrayed in the same proportion as provided under the existing agreements, and on population basis." || (Government of New Zealand.)

c) Army and Navy supply contracts. || (Government of Commonwealth.)

d) Commissions in the Army and Navy. || (Government of New Zealand.)

e) Uniformity in patterns of weapons. || (Secretary of State for War.)

3. Commercial relations of the Empire. || (Secretary of State for the Colonies.)

a) Motion. — „That it is essential to the wellbeing of the Mother Country and His Majesty's Dominions beyond the seas, that in such Dominions where the same do not now exist, preferential tariffs by way of rebate of duties on British manufactured goods carried in British owned ships should be granted, and that in the Mother Country rebate of duty on Colonial products now taxable should be conceded." || (Government of New Zealand.)

b) Loss of most-favoured-nation treatment if preference given to Great Britain. || (Government of Commonwealth.)

c) Mutual protection of Patents. || (Government of Commonwealth.)

d) Merchant shipping — uniform laws throughout the Empire. || (Government of the Cape.)

e) Imperial Stamp Charges on Colonial Bonds. || (Government of Commonwealth.)

f) — 1. Ocean Cables and purchase thereof. || (Government of Commonwealth.)

f) — 2. Government control of Wireless Telegraphy. || (Admiralty and War Office.)

g) Motion. — „That it would be an advantage to the Empire to have subsidised mail services established as between Australia, New Zealand, Canada, and Great Britain. The steamers carrying such mails

to be British owned, and such steamers to be of such a class, and so fitted, that in time of war they may be armed and used as cruisers.“ ‖ (Government of New Zealand.)

h) Motion. — „That in view of the application of the Coasting Laws of the United States and of other Nations, the time has arrived for negotiations to be opened with a view to removal or modification of restrictions on British trade, failing which the Imperial Government should take steps to protect the trade of the Empire by passing a law declaring that the Colonies and Dependencies shall come within similar Coasting Laws.“ ‖ (Government of New Zealand.)

4. Naturalization. ‖ (Government of Cape and Government of Natal.)

5. Settlement of South Africa. ‖ Motion. — „That in arranging for the administration of that portion of the Empire known formerly as the South African Republic and the Orange Free State, provision should be made that duly qualified members of the learned and skilled professions now admitted, and hereafter to be admitted to practise in the Dominion of Canada, the Commonwealth of Australia and in New Zealand, be allowed to practise within the newly-acquired territories referred to.“ ‖ (Government of New Zealand.)

6. Islands of the Pacific. Relations of the Commonwealth and New Zealand with. ‖ (Secretary of State for the Colonies.)

Nr. 12720. GROSSBRITANNIEN. — Summary of Resolutions and Results.

Political relations.

Resolution: — ‖ „That it would be to the advantage of the Empire if Conferences were held, as far as practicable, at intervals not exceeding four years, at which questions of common interest affecting the relations of the Mother Country and His Majesty's Dominions over the seas could be discussed and considered as between the Secretary of State for the Colonies and the Prime Ministers of the self-governing Colonies. The Secretary of State for the Colonies is requested to arrange for such Conferences after communication with the Prime Ministers of the respective Colonies. In case of any emergency arising upon which a special Conference may have been deemed necessary, the next ordinary Conference to be held not sooner than three years thereafter.“

Communication prior to treaties.

Resolution: — ‖ „That so far as may be consistent with the confidential negotiation of treaties with Foreign Powers, the views of the

Colonies affected should be obtained in order that they may be in a better position to give adhesion to such treaties."

Naval defence.

Contribution of Australia increased to 200 000 l. a year towards the cost of an improved Australasian Squadron and the establishment of a branch of the Royal Naval Reserve. || Contribution of New Zealand increased to 40 000 l. a year towards an improved Australasian Squadron and the establishment of a branch of the Royal Naval Reserve. || Contribution of Cape Colony increased to 50 000 l. per annum towards the general maintenance of the Navy. || Natal to contribute 35 000 l. per annum towards the general maintenance of the Navy. || Newfoundland to contribute 3000 l. per annum (and a capital sum of 1800 l. for fitting up and preparing a drill ship) towards the maintenance of a branch of the Royal Naval Reserve of not less than 600 men.

Military defence.

Discussion to be continued by correspondence.

Commissions in the Army and Cadetships in the Navy.

Resolution: — || „That the Prime Ministers of self-governing Colonies suggest that the question of the allotment of the Naval and Military Cadets to the Dominions beyond the seas be taken into consideration by the Naval and Military Authorities, with a view to increasing the number of commissions to be offered; that, consistent with ensuring suitable candidates, as far as practicable, greater facilities than now obtain should be given to enable young Colonists to enter the Navy and the Army."

Preferential trade.

Resolution: — || „1. That this Conference recognises that the principle of preferential trade between the United Kingdom and His Majesty's Dominions beyond the seas would stimulate and facilitate mutual commercial intercourse, and would, by promoting the development of the resources and industries of the several parts, strengthen the Empire. || 2. That this Conference recognises that, in the present circumstances of the Colonies, it is not practicable to adopt a general system of Free Trade as between the Mother Country and the British Dominions beyond the seas. || 3. That with a view, however, to promoting the increase of trade within the Empire, it is desirable that those Colonies which have not already adopted such a policy should, as far as their circumstances permit, give substantial preferential treatment to the products and manufacturers

of the United Kingdom. ‖ 4. That the Prime Ministers of the Colonies respectfully urge on His Majesty's Government the expediency of granting in the United Kingdom preferential treatment to the products and manufactures of the Colonies either by exemption from or reduction of duties now or hereafter imposed. ‖ 5. That the Prime Ministers present at the Conference undertake to submit to their respective Governments at the earliest opportunity the principle of the resolution and to request them to take such measures as may be necessary to give effect to it."

The representatives of the Colonies are prepared to recommend to their respective Parliaments preferential treatment of British goods on the following lines: —

Canada. ‖ The existing preference of $33^1/_3$ per cent., and an additional preference on lists of selected articles — ‖ *a)* by further reducing the duties in favour of the United Kingdom; ‖ *b)* by raising the duties against foreign imports; ‖ *c)* by imposing duties on certain foreign imports now on the free list.

Australia. ‖ Preferential treatment not yet defined as to nature or extent.

New Zealand. ‖ A general preference by 10 per cent. all-round reduction of the present duty on British manufactured goods, or an equivalent in respect of lists of selected articles on the lines proposed by Canada, namely: — ‖ *a)* by further reducing the duties in favour of the United Kingdom; ‖ *b)* by raising the duties against foreign imports; ‖ *c)* by imposing duties on certain foreign imports now on the free list.

The Cape and Natal. ‖ A preference of 25 per cent. or its equivalent on dutiable goods other than specially-rated articles to be given by increasing the duties on foreign imports.

Government contracts.

Resolution: — ‖ „That in all Government contracts, whether in the case of the Colonial or the Imperial Governments, it is desirable that, as far as practicable, the products of the Empire should be preferred to the products of foreign countries. ‖ With a view to promoting this result it is suggested that where such contracts cannot be filled in the country in which the supplies are required, the fullest practicable notice of the requirements and of the conditions of tender should be given both in the Colonies and the United Kingdom and that this notice should be communicated through official channels as well as through the Press."

Shipping subsidies.

Resolution: — || „That it is desirable that in view of the great extension of foreign subsidies to shipping, the position of the mail services between different parts of the Empire should be reviewed by the respective Governments. || In all new contracts provisions should be inserted to prevent excessive freight charges, or any preference in favour of foreigners and to ensure that such of the steamers as may be suitable shall be at the service of His Majesty's Government in war time as cruisers or transports.“

Coasting trade.

Resolution: — || „That it is desirable that the attention of the Governments of the Colonies and the United Kingdom should be called to the present state of the navigation laws in the Empire, and in other countries, and to the advisability of refusing the privileges of coastwise trade including trade between the Mother Country and its Colonies and Possessions, and between one Colony or Possession and another, to countries in which the corresponding trade is confined to ships of their own nationality and also to the laws affecting shipping, with a view of seeing whether any other steps should be taken to promote Imperial trade in British vessels.“

Metric system.

Resolution: — || „That it is advisable to adopt the metric system of weights and measures for use within the Empire, and the Prime Ministers urge the Governments represented at this Conference to give consideration to the question of its early adoption.“

Mutual protection of patents.

Resolution: — || „That it would tend to the encouragement of inventions if some system for the mutual protection of patents in the various parts of the Empire could be devised. || That the Secretary of State be asked to enter into communication with the several Governments in the first instance and invite their suggestions to this end.“

Purchase of cables.

Resolution: — || „That it is desirable that in future agreements as to cable communications a clause should, wherever practicable, be inserted reserving to the Government or Governments concerned the right of purchasing on equitable terms, and after due notice, all or any of the cables to which the agreements relate.“

Postage on newspapers and periodicals.

Resolution: — || „That it is advisable to adopt the principle of cheap postage between the different parts of the British Empire on all newspapers and periodicals published therein, and the Prime Ministers desire to draw the attention of His Majesty's Government to the question of a reduction in the outgoing rate. || They consider that each Government shall be allowed to determine the amount to which it may reduce such rate, and the time for such reduction going into effect."

Professional employment in Transvaal and Orange River Colony.

Resolution: — || „That in arranging for the administration of the Transvaal and the Orange River Colony it is desirable that provision should be made that duly qualified members of the learned and skilled professions now admitted and hereafter to be admitted to practise in the self-governing Colonies be allowed to practise within the newly acquired territories on condition of reciprocal treatment in the Colonies concerned."

Queen Victoria Memorial.

Contributions to be recommended to their respective Parliaments by the Premiers: —

	£
The Dominion of Canada	30 000
The Commonwealth of Australia . . .	Reply not yet received.
New Zealand, not less than	15 000
The Cape Colony	20 000
The Colony of Natal, not exceeding	10 000
The Colony of Newfoundland	2 000

Nr. 12721. **GROSSBRITANNIEN.** — Summary of Proceedings of the Colonial Conference.

In a telegram of the 23rd of January last, the Secretary of State intimated the desire of His Majesty's Government to take advantage of the presence in London of the Prime Ministers of the various self-governing Colonies in connection with His Majesty's Coronation to discuss with them various important questions of general interest. || The subjects indicated in that telegram were, the political and commercial relations of the Empire, and its Naval and Military Defence. || The various Governments were also invited to furnish a statement of any subjects which they thought might usefully be discussed, and, with a view to facilitate

and give a definite direction to the discussion, to furnish the text of any resolutions which they might desire to submit to the Conference. || The list of the subjects suggested in response to this request and the text of the Resolutions proposed are appended. || In addition to the Prime Ministers the Conference enjoyed the advantage of the presence at its meetings of the Minister of Defence for the Commonwealth of Australia, and of the Canadian Ministers of Customs, Militia and Defence, of Finance, and the Canadian Postmaster-General. The Secretary of State for War, the First Lord of the Admiralty, and the President of the Board of Trade were also present at the discussion of the questions affecting their special Departments. || As in the case of the last Conference in 1897, it was decided that the proceedings of the Conference should in the first instance be confidential, in order that the discussion might be as free as possible, and that the members might be able to set out fully and frankly the special difficulties and considerations which affected them in the practical consideration of the different subjects, and when, at the close of the proceedings, the question of their publication was discussed, it appeared that some of the members were averse to this course. The full report must therefore continue to be regarded as confidential, and as on the last occasion, only the statements made by His Majesty's Ministers in which they indicated generally the views of His Majesty's Government on the various subjects, and a summary of the general results and the text of the various resolutions passed, are now made public. || The proceedings were opened by the Secretary of State for the Colonies in the following speech: —

„The Secretary of State: I have made arrangements to have a full shorthand report of the whole of our proceedings, and I shall endeavour, as far as possible, to arrange that each day's report shall be sent to each of you before the next meeting. These reports will, of course, be treated by all of us as absolutely confidential; at all events for the present. What we desire is a perfectly free discussion which we could hardly expect if that understanding were not arrived at, but at the close of your proceedings we will then consider whether anything, and if so, what, should be given to the public. No doubt some of our conclusions will be made public, and it may possibly be found on looking through the reports it may be desirable that more should be published. At all events, what I wish to explain is that that will be a matter for subsequent decision, and nothing will be published without the consent of the persons concerned. || „And now, gentlemen, it is my duty on behalf of His Majesty's Government to thank you for your presence here, and to give you on

their behalf and on behalf of the people of this country a most hearty welcome. We know how sincerely you have shared our sorrow at the serious illness of the King, and we know also how you share our joy that the illness appears to be passing away, and that we confidently entertain an expectation that the King will be wholly recovered at a period earlier than perhaps we had at first dared to anticipate. The whole country has been darkened by the shadow of this serious calamity. It is lightening now; but at the same time we all feel much disappointment — and I am sure no one regrets it more than the King himself — that this mishap should have interfered with the ceremonies of the Coronation, and that this disappointment should have been caused to so many of His Majesty's subjects who have come from all parts of his dominions in order to witness and to take part in his Coronation and to pay to him their loyal respect and to acclaim him as the symbol of Imperial union. || „But you came here, gentlemen, for two purposes. You have come here, of course, to take your part — and a very prominent part — in the ceremonies of the Coronation as the representatives of the great nations across the seas, but you have also come for the purpose of a business Conference which we open to-day. || „I cannot, I think, over-estimate the importance of such conferences as these. Even if they should lead to nothing absolutely substantial in the way of practical resolutions, yet at the same time I am convinced that they are of infinite value and a great gain to the whole Empire, inasmuch as they afford an opportunity for a review of the policy of the Empire by the representatives of the great self-governing Colonies. It is natural that I should, at this time, recall our previous Conference in 1897. I find that of the twelve gentlemen who took part in that most interesting Conference only four are with us to-day. One of our then colleagues, Mr. Harry Escombe, has since died. The Empire has been deprived of his services, and all those of us who had the opportunity of making his acquaintance and of appreciating his charming personality, will join in the regret which was so greatly felt in his own Colony. But the main changes in our Conference result from political vicissitudes, and, above all, from the very welcome Federation of the Australian Commonwealth. But although we are lessened in number from that change in composition, I believe that we are all animated by the same spirit, that we all have the same paramount object at heart, namely, if we possibly can, to draw closer the bonds which unite us, and to confirm and establish that Imperial unity upon which the security, and, I think I may add, the very existence of the Empire depends. I say our paramount object is to strengthen the bonds which unite us, and there are only three principal

avenues by which we can approach this object. They are: Through our political relations in the first place; secondly, by some kind of commercial union. In the third place, by considering the questions which arise out of Imperial defence. These three great questions were considered at the last Conference, and I think it is clear they must form the principal subject of our deliberations on this occasion, and, indeed, of those of any future conferences which may afterwards be held.

Political Relations.

„Now, as to the first point — the question of our political relations. In 1897 the Premiers came to three resolutions. They resolved, in the first place, with, I think, two dissentients, that our present arrangements are satisfactory under existing conditions. They passed a resolution, in the second place, in favour of a federal union of all Colonies geographically connected, and we rejoice that that aspiration, at any rate, has been accomplished so far as Australia is concerned, and, I think, I may say that it is now almost in sight in the case of South Africa. And, thirdly, they resolved that it was desirable that periodical conferences of a similar character should be held for the consideration of matters of common interest. Well, then, gentlemen, what I put to you is. Can we make any advance to-day upon these proposals? I may be considered, perhaps, to be a dreamer, or too enthusiastic, but I do not hesitate to say that, in my opinion, the political federation of the Empire is within the limits of possibility. I recognise as fully as anyone can do the difficulties which would attend such a great change in our constitutional system. I recognise the variety of interests that are concerned: the immense disproportion in wealth and the population of the different members of the Empire, and above all, the distances which still separate them, and the lack of sufficient communication. These are difficulties which at one time appeared to be, and indeed were, insurmountable. But now I cannot but recollect that similar difficulties almost, if not quite as great have been surmounted in the case of the United States of America. And difficulties, perhaps not quite so great, but still very considerable, have been surmounted in the federation of the Dominion of Canada, and therefore, I hold that as we must put no limits to science, as the progress which has already been made is only an indication of the progress which may be made in the future, I hold and say that these difficulties may be overcome, and at all events that we should cherish this ideal of closer union in our hearts, and that, above all, we should do nothing, either now or at any future time, to make it impossible. We have no right to put by our action

any limit to the Imperial patriotism of the future; and it is my opinion that, as time goes on, there will be a continually growing sense of the common interests which unite us, and also, perhaps, which is equally important, of the common dangers which threaten us. At the same time I would be the last to suggest that we should do anything which could by any possibility be considered premature. We have had, within the last few years, a most splendid evidence of the results of a voluntary union without any formal obligations, in the great crisis of the war through which we have now happily passed. The action of the self-governing Colonies in the time of danger of the motherland has produced here a deep and a lasting impression. We are profoundly grateful to you for what you have done. It has created a sense of reciprocal obligation. It has brought home to all of us the essential unity of the sentiment which unites us and which pervades all parts of His Majesty's dominions. And I am glad on this occasion to recognise the material aid which you have afforded. I propose to lay on the table a document which I think will be interesting, and which shows in a comparative form the assistance which has been given to us, both in men and in money, by the self-governing Colonies. It is a remarkable testimony to their loyalty and their devotion to the Imperial interests. But I, myself, greatly as I value this aid, clearly as I recognise the assistance which it has been to us, and the splendid quality of the troops that you have sent, and their splendid behaviour when tested on the field of battle — I attach more importance to the moral support which we have always received from you. That has been a splendid answer, and when foreign countries have competed, as they have done, in a campaign of malignant misrepresentation, it has been something for us, who have represented the interests of the United Kingdom, to be able to point to the unbiassed testimony which has been given by the free Colonies and dominions of the Empire to the righteousness of our cause. I feel, therefore, in view of this it would be a fatal mistake to transform the spontaneous enthusiasm which has been so readily shown throughout the Empire into anything in the nature of an obligation which might be at this time unwillingly assumed or only formally accepted. The link which unites us, almost invisible as it is, sentimental in its character, is one which we would gladly strengthen, but at the same time it has proved itself to be so strong that certainly we would not wish to substitute for it a chain which might be galling in its incidence. And, therefore, upon this point of the political relations between the Colonies and ourselves, His Majesty's Government, while they would welcome any approach which might be made to a more definite and a closer union

feel that it is not for them to press this upon you. The demand, if it comes, and when it comes, must come from the Colonies. If it comes it will be enthusiastically received in this country.

„And in this connection I would venture to refer to an expression in an eloquent speech of my right honourable friend, the Premier of the Dominion of Canada — an expression which has called forth much appreciation in this country, although I believe that Sir Wilfrid Laurier has himself in subsequent speeches explained that it was not quite correctly understood. But the expression was, „If you want our aid call us to your Councils." Gentlemen, we do want your aid. We do require your assistance in the administration of the vast Empire which is yours as well as ours. The weary Titan staggers under the too vast orb of its fate. We have borne the burden for many years. We think it is time that our children should assist us to support it, and whenever you make the request to us, be very sure that we shall hasten gladly to call you to our Councils. If you are prepared at any time to take any share, any proportionate share, in the burdens of the Empire, we are prepared to meet you with any proposal for giving to you a corresponding voice in the policy of the Empire. And the object, if I may point out to you, may be achieved in various ways. Suggestions have been made that representation should be given to the Colonies in either, or in both, Houses of Parliament. There is no objection in principle to any such proposal. If it comes to us, it is a proposal which His Majesty's Government would certainly feel justified in favourably considering, but I have always felt myself that the most practical form in which we could achieve our object, would be the establishment or the creation of a real Council of the Empire to which all questions of Imperial interest might be referred, and if it were desired to proceed gradually, as probably would be our course — we are all accustomed to the slow ways in which our Constitutions have been worked out — if it be desired to proceed gradually, the Council might in the first instance be merely an advisory council. It would resemble, in some respects, the advisory council which was established in Australia, and which, although it was not wholly successful, did nevertheless pave the way for the complete federation upon which we now congratulate them. But although that would be a preliminary step, it is clear that the object would not be completely secured until there had been conferred upon such a Council executive functions, and perhaps also legislative powers, and it is for you to say, gentlemen, whether you think the time has come when any progress whatever can be made in this direction. || In the absence of any formal constitution of

the Empire, the nearest approach to such a Council is to be found in the Conference which we open to-day — a conference, a meeting, of the principal representatives of the motherland and also of the nations which, together with the United Kingdom, constitute the Empire. And I observe upon the paper of subjects which will be distributed to you, and of which notice has been given for consideration at further meetings of the Conference, that the Premier of New Zealand, on behalf of that Colony, has made a proposal for transforming these conferences — which have been held hitherto rather casually, and only in connection with special occasions into a periodical meeting. If this were done, or if an Imperial Council were established, it is clear that the two subjects which would immediately call for its attention are those which I have already mentioned — of Imperial defence and commercial relations. And we invite your special attention to these two subjects on the present occasion."

Imperial Defence.

„As regards Imperial defence, I propose to lay before you, for your information, a paper which will show the comparative amount of the ordinary naval and military expenditure of the United Kingdom and of the different self-governing Colonies. You will find that in the case of the United Kingdom the cost of our armaments has enormously increased since 1897. That increase is not entirely due to our initiative, but it is forced upon us by the action of other Powers who have made great advances, especially in connection with the Navy, which we have found it to be our duty and necessity to equal. But the net result is extraordinary. At the present moment the Estimates for the present year for naval and military expenditure in the United Kingdom — not including the extraordinary war expenses, but the normal Estimates — involve an expenditure per head of the population of the United Kingdom of 29*s.* 3*d.* — 29*s.* 3*d.* per head per annum. || „Sir Wilfrid Laurier: Is the military and naval together? || „The Secretary of State: Military and naval together. In Canada the same items involve an expenditure of only 2*s.* per head of the population, about one fifteenth of that incurred by the United Kingdom. In New South Wales — I have not the figures for the Commonwealth as a whole, but I am giving those as illustrations — and I find that in New South Wales the expenditure is 3*s.* 5*d.*; in Victoria, 3*s.* 3*d.*; in New Zealand, 3*s.* 4*d.*; and in the Cape and Natal, I think it is between 2*s.* and 3*s.* Now, no one, I think, will pretend that that is a fair distribution of the burdens of Empire. No one will believe that the United Kingdom can, for all time, make this inordinate sacrifice. While

the Colonies were young and poor, in the first place they did not offer anything like the same temptation to the ambitions of others, and, in the second place, they were clearly incapable of providing large sums for their own defence, and therefore it was perfectly right and natural that the mother country should undertake the protection of her children. But now that the Colonies are rich and powerful, that every day they are growing by leaps and bounds, their material prosperity promises to rival that of the United Kingdom itself, and I think it is inconsistent with their position — inconsistent with their dignity as nations — that they should leave the mother country to bear the whole, or almost the whole, of the expence. Justification of union is that a bundle is stronger than the sticks which compose it, but if the whole strain is to be thrown upon one stick, there is very little advantage in any attempt to put them into a bundle. And I would beg of you in this relation to bear in mind that you are not asked — your people are not asked — to put upon their own shoulders any burden for the exclusive advantage of the mother country. On the contrary, if the United Kingdom stood alone, as a mere speck in the northern sea, it is certain that its expenditure for these purposes of defence might be immensely curtailed. It is owing to its duties and obligations to its Colonies throughout the Empire; it is owing to its trade with those Colonies, a trade in which of course they are equally interested with ourselves, that the necessity has been cast upon us to make these enormous preparations. And I think, therefore, you will agree with me that it is not unreasonable for us to call your serious attention to a state of things which cannot be permanent. I hope that we are not likely to make upon you any demand which would seem to you to be excessive. We know perfectly well your difficulties, as you probably are acquainted with ours. Those difficulties are partly political, partly, principally, probably, fiscal difficulties. The disproportion to which I have called your attention, cannot, under any circumstances, be immediately remedied, but I think that something may be done — I hope that something will be done — to recognise more effectually than has hitherto been done the obligation of all to contribute to the common weal. In respect to this matter we again owe it to the initiative of the Government of New Zealand that proposals have been laid before us for our consideration. I myself intend to circulate papers which bear upon the subject, and which will explain to you the views which are taken by the Admiralty and the War Office upon these matters, and at subsequent meetings of this Conference I shall, with your permission, invite the attendance of representatives of these Departments, and I hope at

the same time you may see fit to bring with you any Ministers or other officials whose advice and assistance you would desire in the consideration of the matter.

Commercial Relations.

„I pass on, then, gentlemen, to the second point — the question of commercial relations, and in regard to this I wish to say, what I have already stated in answer to inquiries which I received before the Conference, that every question is an open question for full and free discussion. We rule nothing out of order. We do not pretend to bar the consideration of any subject whatever its purport may be, but we do not propose, ourselves, to formulate any proposals in the first instance. We think it is absolutely necessary in a matter of this kind which involves so many considerations of detail, that there should be in the first instance a free interchange of opinion in order that we may not put before your suggestions which perhaps we should find afterwards were altogether out of harmony with your views, but if it appears hereafter desirable, after full discussion, to make proposals, I have no doubt we shall be able to do so. || „In reference to this matter, also, I am placing papers before you which will give you a very full account of the present state of trade between the Colonies and the mother country, and also a matter which is very important for us to consider, of the condition of trade between the United Kingdom and foreign countries; and, without going into detail, I would say there are two salient facts which appear on the surface of these fuller returns which I shall put before you. The first is this. That if we chose — that is to say, if those whom we represent chose — the Empire might be self-sustaining. It is so wide; its products are so various; its climates so different, that there is absolutely nothing which is necessary to our existence, hardly anything which is desirable as a luxury, which can not be produced within the borders of the Empire itself. And the second salient fact is that the Empire at the present time, and especially the United Kingdom — which is the great market of the world — derives the greater part of its necessaries from foreign countries, and that it exports the largest part of its available produce — surplus produce — also to foreign countries. This trade might be the trade, the inter-imperial trade, of the Empire. It is at the present time, as I say, a trade largely between the Empire and foreign countries. Now, I confess, that to my mind that is not a satisfactory state of things, and I hope that you will agree with me that everything which can possibly tend to increase the interchange of products between the different parts of the Empire is deserving of our cordial encouragement. What

we desire, what His Majesty's Government has publicly stated to be the object for which they would most gladly strive, is a free interchange. If you are unable to accept that as a principle, then I ask you how far can you approach to it? If a free interchange between the different parts of the Empire could be secured it would then be a matter for separate consideration altogether what should be the attitude of the Empire as a whole or of its several parts towards foreign nations? The first thing we have to do, the thing which touches us most nearly, is to consider how far we can extend the trade between the different parts of the Empire — the reciprocal trade. || „Our first object then, as I say, is free trade within the Empire. We feel confident — we think that it is a matter which demands no evidence or proof, that if such a result were feasible it would enormously increase our interimperial trade; that it would hasten the development of our Colonies; that it would fill up the spare places in your lands with an active, intelligent, and industrious, and, above all, a British, population; that it would make the mother country entirely independent of foreign food and raw material. But when I speak of free trade it must be understood that I do not mean by that the total abolition of Customs duties as between different parts of the Empire. I recognise fully the exigencies of all new countries, and especially of our self-governing Colonies. I see that your revenue must always, probably, and certainly for a long while to come, depend chiefly upon indirect taxation. Even if public opinion were to justify you in levying direct taxation, the cost of collecting it in countries sparsely populated might be so large as to make it impossible. But in my mind, whenever Customs duties are balanced by Excise duties, or whenever they are levied on articles which are not produced at home, the enforcement of such duties is no derogation whatever from the principles of Free Trade as I understand it. If, then, even with this limitation, which is a very important one, which would leave it open to all Colonies to collect their revenues by Customs duties and indirect taxation, even if the proposal were accepted with that limitation, I think it would be impossible to over-estimate the mutual advantage which would be derived from it, the stimulus to our common trade and the binding force of the link which such a trade would certainly create.

„But, gentlemen, I am, unfortunately, aware that up to the present time no proposal so far-reaching has come to us from any of the Colonies. Three proposals have been made for the consideration of the present Conference, also on the initiative of New Zealand. The first and the most important one, is that a preferential tariff should be arranged in

favour of British goods which are now taxable in the respective Colonies and in the United Kingdom. And although no proposal comes to us from Canada, I am, of course, aware that similar questions have been recently specially discussed very actively and very intelligently in the Dominion, and that a strong opinion prevails there that the time is ripe for something of this kind. And, therefore, with your permission, I would propose to examine this proposition, not in details, but so far as its general principles are concerned. In 1897 I would remind you that the Premiers then unanimously undertook to consult with their colleagues, and to consider whether a preference might not be given on their Customs tariff for goods imported from the United Kingdom. This was a proposal without any reciprocal obligation. It was regarded by the Premiers at the time as a proposal which might be made in consideration of the fact that the United Kingdom was the largest and the best and the most open market in the world for all the products of the Colonies. But nothing whatever has come of the resolution up to the present time. No step has been taken to give any effect to it. That, I think, is due partly to circumstances which we could not have anticipated, partly, indeed, to the Federation of Australia, partly also to the existence of the war, but it is a question which, no doubt, may now be taken up with a greater hope of something coming from it. || „But in Canada, before the Conference of 1897, the Canadian Government had decided to give us a preference which then amounted to 25 per cent., and this subsequently was increased to $33^1/_3$ per cent. This was a preference voluntarily accorded by Canada on British taxable goods imported into the Dominion. Canada therefore has anticipated the general proposal of the Premiers, and the time which has elapsed has been sufficient to enable us to form a judgment of the effect of an arrangement of this kind, and I have to say to you that while I cannot but gratefully acknowledge the intention of this proposal and its sentimental value as a proof of good will and affection, yet that its substantial results have been altogether disappointing to us, and I think they must have been equally disappointing to its promoters. || „I shall circulate to you another paper which contains very fully the whole of the statistics showing the course of trade in Canada since 1897, and the results of the preferential tariff. But I may give you in a word or two the most important conclusions. I am comparing now the import trade of British goods into Canada in the year 1896/97, with the last year for which I have the returns — 1900—1901. The total imports of Canada increased in that period 14500000 *l.* (sterling), and the rate of 62 per cent. That shows an enormously increased prosperity in the

Dominion; it shows how the energy of its inhabitants is developing its trade. Fourteen and a half millions and sixty-two per cent.; if you will kindly bear in mind those figures as showing the total result of all the import trade. Of that the Free Trade, upon which no duty is levied and upon which therefore no preference is given to British goods, increased 6 250 000 *l.*, or at the rate of 67 per cent. The general trade, that is the trade from foreign countries, which came under the general tariff, also increased 6 250 000 *l.* or at the rate of 62 per cent. But the preferential trade — the trade upon which this advantage had been given to British goods, only increased in the same time 2 000 000 *l.*, and only at the rate of 55 per cent. So that the rate of increase under the preferential tariff was actually less than under the general tariff and also under the free tariff. Or taking it in another way, the total increase of the trade of Canada with foreigners during the period named, this is including both the trade subject to the tariff and also the free trade, was 69 per cent., while the total increase of British trade was only 48 per cent. ‖ „Well, now, what is the cause of this? Up to 1885 British exports steadily increased to the Dominion of Canada. Then the Government of the day adopted a very severe protective tariff, which by the nature of things, perhaps, specially affected British goods. We are not the exporters, as a rule, of raw materials, or of food. We, therefore, do not export the articles which Canada freely imports. We export manufactured goods, and it was against manufactured goods that the tariff was intentionally, I suppose, directed. The result of that was, that there immediately set in a continuous and rapid decline in the importation of British goods into Canada. Now, the preference which was given in 1897 has checked the decline, but there is very little increase. Practically the checking of that decline is the whole result which we can recognise as having followed the generous intentions of the Canadian Government. Foreign produce at the present time in Canada has still a lower average tariff than British produce, no doubt due to the fact that the foreign produce is, as I have said, as a rule, of a character upon which lower duties are ordinarily levied; but the result is that while foreign imports have largely increased the British imports have largely decreased. But now I want to point out another thing which I think will be of great importance, and which I am sure the Government of Canada must have taken into their serious consideration. What return has been made to them by the foreigner for the advantage which the foreigner has derived from their tariff? The exports from Canada to foreigners have decreased 40 per cent., while the exports from foreigners to Canada

have, as I have said, largely increased. On the other hand, in spite of the tariff, in spite of everything in the natural course of trade and communication, the exports to the United Kingdom have increased 85 per cent. in 15 years, and the net result, which I desire to impress upon you, is that in spite of the preference which Canada has given us, their tariff has pressed, and still presses, with the greatest severity, upon its best customer, and has favoured the foreigner who is constantly doing his best to shut out her goods.

„Now what is the present position? I believe it is true of Canada, it is true, I believe, of every Colony, we take already, by far, the largest proportion of Colonial exports, but there is not the least doubt that we might double or treble the amount that we take, but we cannot do so until we have the reciprocal advantage, and until you take in exchange a larger proportion of our goods, and so enable us to pay for the imports which we should receive from you. And I think the very valuable experience, somewhat disappointing and discouraging as I have already pointed out, but the very valuable experience which we have derived from the history of the Canadian tariff, shows that while we may most readily and most gratefully accept from you any preference which you may be willing voluntarily to accord to us, we cannot bargain with you for it; we cannot pay for it unless you go much further and enable us to enter your home market on terms of greater equality. I am making that statement as a general statement, but I am well aware that the conditions of the Colonies vary immensely, and that a good deal of what I have said does not apply to the Colony of the Cape or the Colony of Natal. But so long as a preferential tariff, even a munificent preference, is still sufficiently protective to exclude us altogether, or nearly so, from your markets, it is no satisfaction to us that you have imposed even greater disability upon the same goods if they come from foreign markets, especially if the articles in which the foreigners are interested come in under more favourable conditions. || „Now I have said that New Zealand has made three proposals for our consideration. As regards the other points they involve a great deal of detail, and therefore I should wish to reserve any observations which I may have to make upon them, except to call special attention to the proposals of New Zealand, that we should consider the question of communications between the Colonies and the mother country. I think at the present time that is a question of supreme importance. The bounties which other countries are lavishly giving to their shipping constitutes a real danger to inter-imperial trade; these bounties constitute an unfair competition. It has been said some-

times that the trade follows the flag, and that has been disputed. I am afraid it does not do so necessarily and certainly as we should desire, but trade does follow the shipping, and if by any cause and by any fault of ours the shipping transport between the Colonies and ourselves is allowed to get into foreign hands I can only say that, in my opinion, I think it will reduce materially the interchange of goods between ourselves and the Colonies, and from every point of view, therefore, I regard it as most important that the Conference should give special attention to this proposal of New Zealand. || „Gentlemen, I think I have said all, perhaps, even more, than I need to have said in opening this Conference. In conclusion, I would add that I cannot conceal from myself that very great anticipations have been formed as to the results which may accrue from our meeting. Possibly those anticipations are too sanguine; possibly they have been formed by persons who are insufficiently acquainted with our difficulties, and do not make allowances for the obstacles in our way. The questions have, I think, occupied greater attention in this country than they have, perhaps, at present in the Colonies, which have been taken up with matters of more exclusively domestic concern. But, here, no doubt, there is a readiness, and I would say an anxiety, to see these important questions dealt with, and dealt with in a fashion which will bring us more closely together. We, in the United Kingdom, for centuries past have been holding our house like a strong man armed against all our enemies. We have felt throughout all the period the burdens as well as the privileges and advantages of empire. We see now that all other nations are also arming to the teeth. I want you to consider for a moment what is the present position of the smaller nations with whom in population you may more closely compare yourselves. What is the position of such nations in Europe as Greece, the Balkan States, or Holland, or the South American Republics? Why, gentlemen, they are absolutely independent nations, accordingly they have to bear burdens for their military or naval defences, or for both, as the case may be, to which yours bears no proportion whatever. I point out to you, therefore, that in the clash of nations you have hitherto derived great advantage, even from a purely material standpoint, from being a part of a great Empire. But the privileges which we enjoy involve corresponding obligations. The responsibilities must be reciprocal and must be shared in common, and I do not think that any empire may be said to be on a sure foundation which is not based upon recognised community of sacrifices. Gentlemen, I have perhaps, in some of my remarks, gone a little beyond my province, but I rely upon your kindness to excuse it. I thought it desirable in

opening this Conference that some observations of a general character should be put before you, in order that you might see, as it were, into the minds of the Imperial Government. I do not know how far you will be prepared to proceed to-day with our deliberations. I imagine, at all events, you will reserve all discussion in detail to a subsequent period, and I shall be much obliged, if that is the case, if you would arrange with me what dates and what hours would be most convenient to you for our meetings, and any other matters connected with the conduct ot the Conference which you would desire to bring forward."

Naval Defence.

It was decided that the first question that should be discussed was that of Naval Defence, as to which Mr. Seddon had given notice that he would move a resolution: — || „That the Australian Squadron be strengthened (*a*) by increasing the number of cruisers; (*b*) by withdrawing some of the inferior gunboats, and replacing them with modern and better class cruisers; and (*c*) by adding torpedo catchers or destroyers, if deemed necessary. The extra cost of maintenance entailed to be defrayed in the same proportion as provided under the existing agreements, and on population basis." || His Majesty's Government had also been furnished with the accompanying memorandum by the Minister of Defence for the Commonwealth: — || Department of Defence, || Melbourne, 15th March 1902. || Minute to the Right Honourable the Prime Minister as to Naval Defence. || I have the honour to submit for consideration my views as to the means to be adopted so as to provide for the Naval Defence of Australia.

I. Preliminary Observations.

1. I will, I think, be generally conceded that it is the duty of the Commonwealth to adequately contribute to the defence of Australia and of its floating trade. We admit this obligation in regard to our local military defence, but we must remember that naval forces require to be even more efficient than military forces, which have the great advantage of local knowledge to assist them in any active operations in their own country. || 2. So long as the sea supremacy of the Mother Country is maintained Australia is fairly secure from invasion, but in time of war we would be exposed to attacks upon the floating trade and to raids on our coastal towns by powerful cruisers. It is therefore obligatory that adequate means should be taken to provide against such emergency. || 3. Owing to the progress made by foreign Powers in the construction and maintenance of powerful sea-going cruisers, the present Auxiliary

Squadron has become inadequate, and the Commonwealth is confronted with the immediate necessity of arranging for up-to-date naval protection being provided. || 4. Rear-Admiral Sir Lewis Beaumont, Commander-in-Chief of the Australian Station, has already given his views on the present necessities of Australian Naval Defence in a letter to the Governor-General, which was presented to Parliament on 16th August 1901, from which I extract the following: — || „(1) I can give what, in my opinion, are the obligations of the Federal Government in respect of the Naval Defence of the Australian Commonwealth. || (*a.*) They should cause to be maintained on the Australian Station, as defined by the Admiralty, a squadron of at least six cruisers in commission, two of them first-class cruisers of 7000 to 8000 tons displacement, and the others second-class cruisers of the improved „Highflyer" type. || (*b.*) There should, in addition, be two such second-class cruisers in reserve. || (*c.*) These vessels ought to be replaced gradually by more modern vessels as the development of naval construction renders it desirable or the increase of foreign fleets makes it necessary. || (*d.*) The vessels should be under the Admiral in command of His Majesty's ships on the station, the crews subject to the Naval Discipline Act, and embarked under the same terms of engagement as in the Royal Navy. || (*e.*) The head-quarters of the squadron ought to remain at Sydney, owing to the repairing facilities and convenience of the existing depôts there, but the ships should be attached in turn for ordinary peace service, when not required for fleet exercises, to suitable ports in each State, where the Federal Government should give facilities for the gradual establishment of the secondary naval bases which will be essential in war as regards coal, stores, and repairs. || „The above gives, in broad lines, the naval force adequate for the Naval Defence of Australia at the present time. It will be seen, from the size and number of the ships required, from the necessity which will undoubtedly arise of replacing them from time to time by more modern ships, from the fact that they must be continuously manned by trained officers and men, and that the ships must not only be maintained in commission but must be gradually provided with new bases, that it is beyond the power of the Commonwealth at the outset to create such a force. || „(2) It follows, therefore, that such a force can only be acquired and maintained by arrangement with the Imperial Government, and I believe that if this course was adopted it would also follow that the greatest amount of good would be maintained at the smallest possible cost. || „(3) In view of the Federal Government providing for the immediate future an adequate and up-to-date sea-going fleet for the defence of Australian floating

commerce and the protection of Australian territory, I consider that it should take no part in the creation or maintenance of Naval Reserves or State Naval Forces, which experience has shown cannot be utilized in a manner at all commensurate with their cost, or assist, except within too narrow limits, in the defence of the Commonwealth. || „The future may see the creation of an Australian Navy, but for the present the safety and welfare of the Commonwealth require that the Naval Force in Australian waters should be a sea-going fleet of modern ships, fully equipped, fully manned with trained crews, homogeneous as to type and personnel, and under one command. || „For the Federal Government to form out of the existing naval organisations a permanent force as the nucleus of the Naval Defence Force, the main body of which would be derived from Naval Brigades, as suggested in your Excellency's letter, would not be sufficient, unless the force is only intended to supplement the crews of His Majesty's ships in war; if not, then modern ships would have to be provided and maintained by the Federal Government for the officers and men of the Commonwealth Naval Force, in which they could be trained at sea, and a part maintained at all times in a state of efficiency and readiness for war, a system which would be much more costly and less efficient than if the ships and men were provided by arrangement with the Imperial Government." || We have in the above clear statement of Admiral Beaumont the opinion of an able and experienced naval officer on the question, and it is fortunate that we have been placed in possession of his views, inasmuch as they represent an expert and impartial opinion worthy of the greatest respect and entitled to the fullest consideration.

II. Existing Naval Forces.

5. The Commonwealth has taken over the local naval forces from the States of New South Wales, Victoria, Queensland, and South Australia, which are at present maintained at an annual cost of about 75000 *l.* These forces consist of 242 permanent officers and men and 1637 partially-paid members of naval brigades. || 6. For years past no means have been provided in New South Wales for giving to the local naval force any sea training. They have no ships and are, therefore, merely sailors drilled on shore, and would be of little value as a naval force in time of war. In Victoria there is the harbour defence ship, „Cerberus", and four torpedo-boats, but the existing means are inadequate for obtaining effective sea training for the men. In Queensland there are the gun-boats, „Gayundah" and „Paluma", and in South Australia there is the

gun-boat, „Protector", and in both of these States a limited amount of sea training is carried out. The Colonial Defence Committee has stated, with regard to these local harbour defence ships, that it is difficult to obtain from them an effect commensurate with the outlay entailed. || 7. These local forces, maintained under existing conditions, appear, therefore, to be of small value for naval defence, and if they are to be organised in the future, so as to provide a force of trained seamen, available for supplementing the crews and for the manning of sea-going cruisers in time of war, suitable ships must be provided in which to train the officers and men at sea.

III. Recommendations for Immediate Future.

8. Whatever may be done in the future, if we accept, as I think we must, Admiral Beaumont's opinion, that „it is beyond the power of the Commonwealth at the outset to create a force adequate for the Naval Defence of Australia, and that such a force can only be acquired and maintained by arrangement with the Imperial Government", it is absolutely necessary, for a time at any rate, to depend upon the Royal Navy for our naval defence. The Commonwealth under the existing agreement pays the Admiralty 106000 *l.* a year, and New Zealand pays 20000 *l.* a year; but, as a more powerful fleet is required, a greater contribution will be necessary under a new arrangement. I am informed that the cost of the annual maintenance of the „Royal Arthur" alone is more than our whole contribution of 106000 *l.* || 9. I would recommend that until a more permanent basis for the Naval Defence of the Empire is decided upon, the Naval Defence of the Commonwealth be carried out on the following basis: — || (*a.*) That the existing agreement with the Imperial Government be readjusted and extended for ten years (unless cancelled sooner by mutual consent). The number and class of ships to be stationed in Australian waters, the annual contribution, and all other matters to be definitely dealt with in such revised agreement. || (*b.*) That the existing Naval Militia forces be made effective for supplementing the manning of sea-going ships in time of war, and that two ships commanded by officers of the Royal Navy be allotted by the Admiralty for their naval instruction, and with that object to visit the various ports throughout the year. The militia naval forces to be available for the protection of the Commonwealth on land as well as on sea. || (*c.*) That expert opinion be obtained as to what extent the „Cerberus", „Protector", gunboats, torpedo boats, and existing armaments can be profitably utilised. || (*d.*) That the permanent naval defence forces now existing in Victoria, New South

Wales, and Queensland be reduced in strength, and only a staff sufficient for the instruction of the Naval Militia on shore be retained. || It would seem to be absolutely necessary that in any such new arrangement provision should be made for one or two powerful cruisers to be stationed in Australian waters capable of successfully resisting an attack by similar warships of foreign nations.

IV. Proposal for an Australian Navy.

10. If it were desirable for Australia to have a navy of her own, maintained altogether by the Commonwealth, we could in that case buy our own ships of war, man them in our own way, and be quite independent of the Imperial Navy. || 11. In order to provide even the small squadron proposed by Admiral Beaumont of two first-class and six second-class cruisers, together with depôts and stores, would probably cost 3600000 *l.* on the following basis: —

Two first-class cruisers	£ 1000000
Six second-class cruisers	2500000
Depôts and stores, viz., naval yards, &c. . .	100000
Total capital cost	£ 3600000

12. The maintenance of this squadron in Australian waters, if fully manned and equipped in a way that would enable it to engage successfully the first-class cruisers of the enemy, with two of the second-class cruisers in use for training, say 2000 men of the Naval Militia, would probably amount to about one million a year, including interest at 5 per cent. per annum on the capital cost. || 13. It has been proposed, and the plan is much favoured by some, that during time of peace a squadron thus organised should only be manned with sufficient men to maintain the ships in working efficiency, and should be wholly employed in training the Naval Militia, and that in time of war it should be fully manned by such Naval Militia collected from the several ports of the Commonwealth. There would no doubt be a saving in maintenance by this course, but Admiral Beaumont is of opinion that a squadron thus mobilised and manned would not be able to meet on equal terms the powerful cruisers with highly-trained crews that would be certain to be used against us, and that „for the present the safety and welfare of the Commonwealth require that the Naval Force in Australian waters should be a sea going fleet of modern ships, fully equipped, fully manned with trained crews, homogeneous as to type and personnel, and under one command". | 14. I am not prepared to recommend under existing conditions the establishment of an Australian Navy. Even if it were established, I am afraid

it would not be very efficient, for besides the enormous cost of replacing the fleet from time to time with more modern ships, there would be no change for the officers and crews, who would go on year after year in the same ships, subject to the same influences, and, I fear, with deteriorating effects.

V. The Permanent Naval Defence of the Empire.

15. In regard to defence we must altogether get rid of the idea that we have different interests to those of the rest of the Empire, and we must look at the matter from a broad common standpoint. If the British nation is at war, so are we; if it gains victories or suffers disasters, so do we; and therefore it is of the same vital interest to us as to the rest of the Empire that our supremacy on the ocean shall be maintained. There is only one sea to be supreme over, and we want one fleet to be mistress over that sea. || 16. We are bound also to consider and to fully realise that we belong to a nation which for centuries has been mistress of the sea, and that the position we occupy in Australia to-day in being all British territory, and having always enjoyed peace and security, is absolutely attributable to the protection given to us by the British flag. || 17. We are accustomed to travel about the world for the purpose of trade or in pursuit of pleasure, and to feel when we visit foreign countries that our lives and property are secure and in specially safe keeping. We then realise fully the great privilege and advantage of being a British subject, and feel proud when we see the flag of our mother land everywhere in evidence, ready, willing, and able to protect us. || 18. Our aim and object should be to make the Royal Navy the Empire's Navy, supported by the whole of the self-governing portions of the Empire, and not solely supported by the people of the British Isles, as is practically the case at the present time. It is, I think, our plain duty to take a part in the additional obligations cast upon the Mother Country by the expansion of the Empire, and the extra burdens cast upon her in maintaining our naval supremacy. || 19. If a proposal were adopted that the Empire should have one fleet maintained by the whole nation, every part contributing to its support on some plan to be mutually arranged, probably on that of the comparative trade of each country, and not necessarily on an uniform basis of contribution, what a splendid idea would be consummated, and what a bulwark for peace throughout the world would be established! Besides which, we would be doing our duty to the Mother Country, which has been so generous to us during all our early years. || 20. If the Federations of Canada and Australia and the

Colonies of South Africa and New Zealand were to agree to this great principle of one fleet for the Empire's Naval Defence, then the question of contributions and all other matters connected with it could be afterwards arranged by mutual agreement. I cannot think that for Canada and Australia to each have a few war ships, and the Cape and New Zealand a few also, each independent of the other, is a plan suited to Empire; such a plan would seem to be in accord with the actions and sentiments of a number of petty States rather than in accord with the necessities and aspirations of a great free united people. ‖ 21. If such a plan can be brought about, it would be necessary for the „British Dominions beyond the Seas“ to be adequately represented at the Admiralty, and I feel sure this could be arranged on a mutually satisfactory basis. In time of war there could not be any division of responsibility, and, until a more extended federation of the Empire is established, that responsibility would have to rest upon the Imperial Government. ‖ 22. It would be advisable that means should be provided for training boys in Canada, Australia, and other places, and for the drafting into the Navy of a certain number annually, and greater facilities might possibly be given for officers entering the Navy. By these means the personnel of the Navy would consist to some extent of British subjects from different parts of the Empire, and this might in time have the effect of a greater personal interest in the Navy being taken by the people living outside the British Isles than has hitherto been the case when all have been recruited from the Mother Country. ‖ 23. Great Britain spends annually on her Army and Navy about 50000000 *l.* (not including the South African war), or about 1 *l.* 5 *s.* per head of her population. If the Australian Commonwealth contributed in the same proportion it would amount to something like 5000000 *l.* a year, whereas our entire military and naval defence vote does not exceed 800000 *l.* a year, or only about 4 *s.* per head of our population. ‖ 24. It may, of course, be said that in building up another Britain in the Southern Hemisphere, thus providing another home for our countrymen, and by extending British influence and trade, we have been doing a greater work for the Empire than by contributing towards Imperial naval defence, but I think the time has gone by for us to use such arguments, as both duty and stern necessity require that we shall stand shoulder to shoulder with the Motherland in the determination to maintain inviolate the integrity of the Empire. That this is the sentiment deep-rooted in the hearts of the Australian people has, I am proud to say, been shown during the South African war, which we have made our own, proving unmistakably to the

world that our interests in war as well as in peace are indissolubly bound up with the country from which our fathers came, and to which we are all proud to belong. || 25. I would suggest that the Imperial Government should be consulted as to the advisability of holding a Conference in London, at which representatives from Canada, the Cape, New Zealand, and Australia might be asked to discuss and if possible arrive at a conclusion as to the views herein set forth, or any others that may be submitted having for their object the strengthening of the Naval Defence of the Empire, and that the conclusions arrived at should be then forwarded for the consideration of the Governments and Parliaments concerned.

John Forrest,
Minister of State for Defence.

The Admiralty had furnished the memorandum appended for the information of the Conference, and the First Lord attended at the second meeting and made the following statement in further explanation and support of the considerations which govern the policy of the Board of Admiralty in regard to the control and distribution of the naval forces of the Empire: — || „Mr. Chamberlain and gentlemen, the Admiralty has circulated a memorandum which I think you all have before you. We endeavoured in the memorandum to confine ourselves to setting forward the nature of the problem which the Admiralty has to face on behalf of the Empire, and to indicate the extent of the burden which is thrown on the Mother Country. I need not say that I shall be happy to answer any questions that any of the Colonial Premiers here present might wish to ask in elucidation of the general principle, and the facts stated in the memorandum. I would propose, if Mr. Chamberlain and the Premiers agreed, that when the Admiralty come to a detailed discussion with any Colony or group of Colonies, that those discussions should be held separately. The Admiralty is entirely at the disposal of Ministers if they will be kind enough to visit us and discuss the problem with us so far as it concerns their own Colony. To-day I will merely endeavour to lay emphasis on two points which are contained within this memorandum. The first on which I would lay the greatest possible stress is, the reason why we have eliminated from this memorandum any allusion to the word „defence“. There was a time in this country, not so very long ago either, when naval strategists regarded the naval problem mainly from the point of view of defence. That, I submit, is altogether heretical. The real problem which this Empire has to face in the case of a naval war is simply and absolutely to find out where the ships of the enemy

are, to concentrate the greatest possible force where those ships are, and to destroy those ships. That is the only possible method of protecting this Empire from the efforts which other navies may make to damage her commerce or her territory. It follows from this that there can be no localisation of naval forces in the strict sense of the word. There can be no local allocation of ships to protect the mouth of the Thames, to protect Liverpool, to protect Sydney, to protect Halifax. If we make any such attempt of the kind we should only be inviting disaster. It follows also that whatever local distribution of forces may be advisable and feasible in time of peace, in time of naval war there must be only one authority with full power and responsibility to the Empire to move the ships, to concentrate them where they can deal the most effective blow against the forces of the enemy, and that any separation of responsibility, any diminution of the power of that central authority, any risk of hesitation or delay in making a conjunction of the squadrons where they can deal the most effective blow, might have disastrous consequences. || „The second point on which I want to lay special stress is this. At present there is only one agreement between the Imperial Government and any group of Colonial Governments in respect of naval affairs, although we have received generous — and independently proffered — aid from the Cape and from Natal — I allude to the Australasian Agreement. Now, gentlemen, I attach great importance to that agreement, because the statesmen who negotiated it and signed it have led the way in what I may call the Imperial consideration of this question of naval policy. But like every document that commences a policy, it has faults, and to my mind there is no fault greater in it than this, that the relations of the Australasian Governments to the Imperial are simply that of the man who pays to the man who supplies. The Australasian Governments pay us a certain contribution; for this contribution we supply them with a certain article. Now, this is good so far as it goes, but it does not, to my mind, go far enough. It does not give our New Zealand and Australian fellow-countrymen the sense of personal interest, of personal possession, in the British Navy, which I most of all desiderate for the future, and I want, not only the Colonial Governments to understand that on the naval protection of the Empire, exercised through a wise naval strategy, depends our future existence as a United Empire, but I want them to regard the navy as their own, at least, as much as ours, and with that object I wish to see in the Navy more Colonial officers and a contribution of Colonial seamen. I want, in fact, if I may use such a term, to increase the maritime spirit

of the Empire. After all we are not in this country all sailors, yet we are all imbued with the maritime spirit. Here you have the great colonies covering vast geographical tracts of country; is there not a danger that in the far interior, unless we take precautions, the maritime spirit may be lost? I want to bring Australasia, Canada, and South Africa to understand, in the sense that the average Englishman understands it, that the sea is the one material source of our greatness and our power; the main bond of union; the real source of our strength — if I may use such a mixed metaphor — that the sea is to the Empire as the breath of life; but it cannot be done, I opine, so long as we are only receivers of money. I want to see from all parts of the Empire a personal contribution to the Navy, so that it may not only be an abstract Admiralty to govern the Navy, but an Admiralty that has won the confidence of the Colonies, because the Colonies understand its policy, and because in each Colony there are officers and men belonging to the Navy — an integral portion of the Navy. Those are the two points, gentlemen, on which I wish to lay special stress, and I can only conclude, as I began, by saying I am here at your service to answer any questions which you may wish to address to me.

„The Secretary of State: Do you propose to lay any definite suggestions at this stage of the Conference? || „The First Lord of the Admiralty: We are, of course, prepared with definite suggestions. I did not know whether you would like to have them raised in general form at the meeting or whether they should be raised separately between the Admiralty and Canada and New Zealand and the Commonwealth of Australia and Natal and the Cape. We have them here if the Conference desires to have them. || „The Secretary of State: I take it that the details in any case would have to be discussed probably separately, and that that would be the most convenient and the quickest way of getting through our business; but I think that the Conference would probably like to discuss the general principles. What I rather anticipated was that you might be prepared to express in general terms what the Admiralty conceived would be the best scheme for carrying out the object which you have described, and also that we should take up the actual motion which is before the Conference in the name of the Premier of New Zealand. I do not know whether I am speaking the views of my colleagues, but I imagine they would like to have your proposals as well as the proposals of New Zealand before them before a general discussion begins. || „The First Lord of the Admiralty: Well, then, if I may supplement my remarks on the suggestion of Mr. Chamberlain, of course I start with the Australasian

Agreement. Sir John Forrest and the Commander-in-Chief of the Australian station, Sir Lewis Beaumont, have had many conferences on this subject. The memorandum which is now being circulated gives to the Conference the effect of carrying out the scheme on the general lines of the discussion between Sir John Forrest and Sir Lewis Beaumont. The general purport of it is this, that a certain squadron of up-to-date cruisers would be attached to the Australian station. Of these cruisers we desire that at least one, if not two, should be manned exclusively by Australasians under the command of Imperial officers. We desire to establish a branch of the Royal Naval Reserve in New Zealand and Australia composed partly of men trained in this cruiser manned by Australasians and partly out of such materials as may be available from the existing naval brigades. The contribution which would be regulated under that scheme is stated in this memorandum, which of course can be discussed, and I want it to be clearly understood that the basis we have taken is the basis of discussion taken by Sir John Forrest with Sir Lewis Beaumont, and we thought that a fair and wise starting point. There will be no difficulty in time of peace in arranging that this squadron should be attached to Australasian waters, with this proviso, that I think it would be a real advantage for the ships of the squadron, especially for the ships manned by Australasians, that they should go to China, the East Indies, the Cape, and elsewhere, and work with the ships of other squadrons, but whenever they so do that ship could be replaced by a substitute from the squadron which she had gone to join. Therefore I do not think there will be any difficulty in time of peace as to the proper allocation of the force whose headquarters would be Australasian. But the principles which are laid down and on which I wish to lay great emphasis are that in time of war this squadron must be available to fight the opponents, the attackers of the Empire, in whatever part of the Eastern seas their ships are to be found. Those principles *mutatis mutandis* could be applied to any of the other groups of Colonies. This scheme may be taken as one which would be applicable to the altering circumstances of each case, either to Canada or South Africa, and not only applicable as a whole, but applicable in such parts as might be more feasible at the present moment in respect of those other groups of Colonies. || „There is one old Colony, of course, to which this particular form of agreement could not apply: that is Newfoundland, but then I hope the Admiralty will be able to debate with the Prime Minister, and arrive at an understanding as to that scheme for the establishment of a Naval Reserve, which was temporarily suspended owing to the fact that we found we had proceeded beyond

our legal power. I may say that an Act of the Imperial Parliament recognising the enrolment of Colonial fishermen in the Royal Naval Reserve has now passed through all its stages in both Houses of Parliament and is only awaiting the Royal Assent, so there is no further hindrance to arriving at an understanding between His Majesty's Government and Newfoundland on that point."

From the general tenor of the discussion which followed, it was clear that the conditions and circumstances of the several Colonies were so different that further discussion with a view to framing a general resolution would not be likely to lead to any practical result, and it was suggested that the representatives of the Colonies should arrange for separate private meetings with the First Lord of the Admiralty in order to settle with him what should be the form and extent in which they might severally best contribute to the Naval Defence of the Empire, and that the results arrived at should be reported to the Conference and recorded in the proceedings. This suggestion was readily agreed to, and the result of the informal discussions which followed is embodied in the following memorandum: —

Memorandum by the First Lord of the Admiralty.

Accompanied by the Senior Naval Lord and the Financial Secretary, my colleagues of the Board of Admiralty, and assisted by the Director of Naval Intelligence, I have now had interviews with the Premiers of His Majesty's Government in Cape Colony, Natal, Newfoundland, and New Zealand, and with the Premiers and Ministers of Defence of His Majesty's Government of the Commonwealth of Australia and the Dominion of Canada; and, as the result, the Board of Admiralty have received the following offers of assistance towards the Naval Expenses of the Empire: — || Cape Colony*): || 50 000 *l.* per annum to the general maintenance of the Navy. No conditions. || Commonwealth of Australia*): || 200 000 per annum to an improved Australasian Squadron, and the establishment of a branch of the Royal Naval Reserve. || Natal*): || 35 000 *l.* per annum to the general maintenance of the Navy. No conditions. || Newfoundland*): || 3000 *l.* per annum (and 1800 *l.* as a special contribution to the fitting and preparation of a drill ship) towards the maintenance of a branch of the Royal Naval Reserve of not less than 600 men. || New Zealand*): || 40 000 *l.* per annum to an improved Australasian Squadron, and the establishment of a branch of the Royal Naval Reserve. || I wish to tender to the Colonial Ministers the hearty acknowledgment of the

*) See Appendix, pp. 199 et seq.

Board of Admiralty for the manner in which they have assisted them to arrive at the satisfactory result given above. As might be supposed, we have not always been able to see eye to eye on the questions discussed; but the interchange of views has been mutually frank, and governed on all sides by a desire to treat the defence of the Empire on a business footing, and to abandon the discussion of theories for the attainment of results immediately practicable. It is true that the Board of Admiralty have not in these conferences achieved all the results for which they might previously have hoped; but, on the other hand, it has been a great pleasure to them to hear from the Prime Ministers of all the self-governing Colonies a generous appreciation of the work of the Navy. || If the Parliaments of the above-named self-governing Colonies accept and endorse these arrangements, a real step in advance will have been made in the organisation of the Naval Forces of the Empire. || In the first place, an increase in the number of modern men-of-war maintained in commission will have been promoted by the aid of British subjects in the Dominions beyond the seas. || In the second place, the conditions attached to the various agreements will show how keen is becoming the appreciation throughout the Empire of the peculiar characteristics of Naval warfare, and of the fact that those local considerations which find their natural place in military organisations are inapplicable to Naval organisation. I would draw special attention to the improved composition and organisation of the Australasian Squadron when the new agreement will have come into force, and to the fact that Cape Colony and Natal have made their offer unfettered by any conditions, a mark of confidence and of appreciation of the Naval problem of which the Board of Admiralty are deeply sensible.

Thirdly, I hail with much satisfaction the establishment of a branch of the Royal Naval Reserve in the Colonies. The circumstances of the population of Newfoundland are peculiar, and nowhere else probably within the Empire can so large a proportion of fishermen be found. A branch of the Royal Naval Reserve has already been founded there, and I look forward confidently to its steady growth. In Australia and New Zealand, although Naval Brigades have for some time been in existence there, and did excellent service in the recent China War, the formation of a branch of the Royal Naval Reserve is a new departure. The formation of a branch of the Royal Naval Reserve is not the only, or indeed the chief, step in advance, in connection with the personnel of the fleet, for it has been agreed that if possible one of the ships of the Australian Squadron in permanent commission shall be manned by Australians and New Zealanders under officers of the Royal Navy, and that 10 cadetships

in the Royal Navy shall be given annually in Australia and New Zealand. || I have accordingly great pleasure in recommending to His Majesty's Government that the offers of assistance which have been received should be accepted. || Sir Wilfrid Laurier informed me that His Majesty's Government of the Dominion of Canada are contemplating the establishment of a local Naval force in the waters of Canada, but that they were not able to make any offer of assistance analogous to those enumerated above. || I have alluded to the fact that our interchange of views at the Conferences has been characterised by mutual frankness, and I desire to put on record the facts and arguments which I thought it my duty to set forth. || In the first place, I pointed out that even after the Colonial Parliaments had ungrudgingly increased the proportion of their assistance towards the Naval Defence of the Empire, as recommended by their Ministers, the taxpayers of the British Empire would, in respect of Naval Expenditure, still be in the following relative positions: —

—	Population (White)	Naval Contribution per Caput per Annum
		s. *d.*
United Kingdom	41 454 621	15 2
Cape Colony	538 000	1 10 1/4
Commonwealth of Australia	3 765 805	1 0 3/4
Dominion of Canada	5 338 883	Nil.
Natal	64 951	10 9 1/4
Newfoundland	210 000	0 3 1/2
New Zealand	772 719	1 0 1/4

For the year 1902/3 the Navy Estimates amounted to 31 423 000 *l.* after deducting appropriations-in-aid other than contributions from the self-governing Colonies. Of this sum the self-governing Colonies would, on the basis of the new agreements, have paid 328 000 *l.* || This table shows how large a proportion of the burden falls upon the taxpayer of the United Kingdom, and although it is true that by far the larger portion of the money which he provides is spent within the United Kingdom, yet it so happens that more of the money provided by the taxpayer of the United Kingdom is spent in the British Dominions beyond the seas than the British Dominions beyond the seas contribute to the maintenance of the British Navy. Additional interest is lent to the fact by an analysis of the trade which the British Navy has to protect. In the year 1900

the seaborne trade of the Empire may be roughly stated to have been worth between eleven and twelve hundred millions sterling; but of this vast sum a proportion of certainly not less than one fourth was trade in which the taxpayer of the United Kingdom had no interest either as buyer or seller of the particular goods represented by these values. It was either inter-Colonial trade or trade between the British Dominions beyond the seas and foreign countries. The taxpayer of the United Kingdom has therefore the privilege, not only of taking upon himself the lion's share of the burden the interest in which is shared between himself and his fellow subjects in the Dominions beyond the seas, but also a not less share of the burden in respect of interests which are not his own, but exclusively those of his fellow subjects beyond the seas. || I expressed my hope that this simple statement of fact would help the Colonial taxpayer to realise the extent of the advantage he reaps from the existence of one Navy for the whole Empire. He is not only relieved thereby of a heavy burden of taxation in time of peace, but in time of war he knows that to him, if faced by any possible coalition, is furnished the concentrated strength of one Navy under one command. || In reply to an inquiry, I undertook to endeavour to form an estimate of the Naval obligations which would be forced upon the British Dominions beyond the seas if they were nations with a separate existence, and not, as now, partner nations of the British Empire, and it was suggested that the proper comparison would be between the Commonwealth of Australia and New Zealand or the Dominion of Canada and some State with a population of about the same size. || I pointed out that if such a basis of comparison were chosen the annual Naval expenditure of Holland is 1 400 000 *l.*, and that of Argentina 920 000 *l.*, not to mention a past capital expenditure of several millions which must have been incurred in the creation of the fleets and for the proper equipment of dockyards and Naval bases. These countries were only taken because their populations roughly correspond in size with those of Australasia and Canada, and not because they are in other respects in any way comparable. Indeed, I submitted that this was not an adequate or satisfactory comparison. Each great group of Dominions beyond the seas would, so it seemed to me, have to face the Naval position in which it found itself, and the governing conditions of that position would be the political and geographical environment of the group. As a matter of fact, each of these groups would find itself within the orbit of a great Naval Power. The Dominion of Canada would have to frame its Naval policy with a view to the Navy of the United States. The Commonwealth of Australia and New

Zealand would be forced to remember that France in New Caledonia, and Germany in New Guinea, are near neighbours. Cape Colony and Natal would constantly find themselves reminded of the fact that France is their neighbour in the Indian Ocean, in Madagascar, and that the greater part of Western South Africa is German. It is not easy in either of these cases to see how it could be possible to avoid the influence of those forces which have forced Japan to become a Naval Power. The Naval Budget of Japan for the year 1901/2 was 3 700 000 *l.*, and this sum included nothing for interest, sinking fund, or depreciation account in connection with former capital expenditure on stores, ships, dockyards or Naval bases. || These are the facts and arguments which I felt it my duty to lay before the Premiers, and to which, whether agreeing or disagreeing, they have listened with that friendly courtesy which has made all our interviews so agreeable a recollection. I recapitulate them now because the danger to the Empire which I fear is that Canada, South Africa, and Australia, being in fact continents, should become too much continental and too little maritime in their aspirations and ideas. The British Empire owes its existence to the sea, and it can only continue to exist if all parts of it regard the sea as their material source of existence and strength. It is therefore desirable that our fellow subjects in the Dominions beyond the seas should appreciate the importance of Naval questions. If they will undertake a larger share of the Naval burden, well and good. But I regard it as of even more importance that they should cultivate the maritime spirit; that their populations should become maritime as ours are, and that they should become convinced of the truth of the proposition that there is no possibility of the localisation of Naval force, and that the problem of the British Empire is in no sense one of local defence. || The sea is all one, and the British Navy therefore must be all one; and its solitary task in war must be to seek out the ships of the enemy, wherever they are to be found, and destroy them. At whatever spot, in whatever sea, these ships are found and destroyed, there the whole Empire will be simultaneously defended in its territory, its trade, and its interests. If, on the contrary, the idea should unfortunately prevail that the problem is one of local defence, and that each part of the Empire can be content to have its allotment of ships for the purpose of the separate protection of an individual spot, the only possible result would be that an enemy who had discarded this heresy, and combined his fleets, will attack in detail and destroy those separated British squadrons which, united, could have defied defeat.

August 7th, 1902. Selborne.

Appendix.

Memorandum from the Prime Minister of Cape Colony and Natal to the Board of Admiralty.

London, 8th July 1902.

The enormous preponderance of the native population in the Colonies of the Cape and Natal renders it impossible for us to agree to any proposal involving the obligation to furnish a military contingent in the event of a war in which the Imperial Government may be involved in any other part of the Empire. || Recognising, however, as we do, the absolute necessity for the maintenance of an efficient Navy if the Empire is to be held together, and regarding the Navy as the first security for the preservation of the people of South Africa, and especially of those residing in the two coast Colonies, we are prepared to submit to the Legislatures of our respective Colonies, Bills providing for contributions towards the cost of maintaining the Imperial Navy. || At present the Cape Colony contributes, under an Act of Parliament passed in 1898, the sum of 30000 *l.* a year for that purpose. So soon as Parliament assembles a Bill will be submitted raising that sum to 50000 *l.* || To the Legislature of Natal a Bill will be submitted providing for a yearly contribution of 35000 *l.* || At a later period, when a Confederation has been established in South Africa, the question of training men residing in the two coast Colonies for service in the Imperial Navy will be brought under the consideration of their respective Legislatures, who will, we believe, be prepared to entertain such a proposal most favourably.

J. Gordon Sprigg.
A. H. Hime.

Letter from the Admiralty to the Prime Minister of Cape Colony.

Admiralty, 11th August 1902.

Sir, || I am commanded by my Lords Commissioners of the Admiralty to inform you that they have laid before His Majesty's Government the paper signed by yourself and Sir Albert Hime, in which you recognise the absolute necessity for the maintenance of an efficient navy if the Empire is to be held together, and announce that you are prepared to submit to the Legislature of Cape Colony, as soon as it assembles, a Bill providing for an increase in the contribution towards the cost of maintaining His Majesty's Navy from 30000 *l.* a year to 50000 *l.* || His Majesty's Government accept with pleasure this spontaneous offer of assistance, and believe that with the united efforts of all His Majesty's subjects, both in the United Kingdom and in the British Dominions beyond the

seas, the British Navy will be in the future, even more than it has been in the past, the protector of and connecting link between the widely extended parts of His Majesty's Dominions. || I am to suggest to you that, with a view to setting forth the principles which should govern the development of His Majesty's Navy, it would be very advantageous to insert in the preamble of the Bill which you propose to lay before the Parliament of Cape Colony words recognising the importance of sea power, „in the control which it gives over the sea communications, and the necessity of a single navy under one authority, by which alone concerted action can be assured". || My Lords notice with satisfaction that you consider that when a Confederation has been established in South Africa, the question of training men for service in His Majesty's Navy will be brought before the Legislature, and that you believe such a proposal would be favourable entertained. To this my Lords attach much importance, as they fear that unless the British Continental Dominions beyond the seas retain a personal touch with the British Navy, British subjects living far inland may forget that the origin of the Empire depends on the sea, and that for its continued existence it is essential that in all its parts the maritime spirit should prevail. || A copy of the letter which has been addressed to Sir Albert Hime on this subject is attached for information.

The Right Hon. I am, &c.
Sir J. Gordon Sprigg, G.C.M.G. H. J. Vansittart Neale.

Letter from the Admiralty to the Prime Minister of Natal.

Admiralty, 11th August 1902.

Sir, || I am commanded by my Lords Commissioners of the Admiralty to inform you that they have laid before His Majesty's Government the paper signed by yourself and Sir J. Gordon Sprigg, in which you recognise the absolute necessity for the maintenance of an efficient navy if the Empire is to be held together, and announce that you are prepared to submit to the Legislature of Natal, as soon as it assembles, a Bill providing for a yearly contribution of 35000 *l.* towards the cost of maintaining His Majesty's Navy. || His Majesty's Government accept with pleasure this spontaneous offer of assistance, and believe that with the united efforts of all His Majesty's subjects, both in the United Kingdom and in the British Dominions beyond the seas, the British Navy will be in the future, even more than it has been in the past, the protector of and connecting link between the widely extended parts of His Majesty's

Dominions. || I am to suggest to you that, with a view to setting forth the principles which should govern the development of His Majesty's Navy, it would be very advantageous to insert in the preamble of the Bill which you propose to lay before the Parliament of Natal words recognising the importance of sea power, „in the control which it gives over the sea communications, and the necessity of a single navy under one authority, by which alone concerted action can be assured". || My Lords notice with satisfaction that you consider that when a Confederation has been established in South Africa, the question of training men for service in His Majesty's Navy will be brought before the Legislature, and that you believe such a proposal would be favourably entertained. To this my Lords attach much importance, as they fear that unless the British Continental Dominions beyond the seas retain a personal touch with the British Navy, British subjects living far inland may forget that the origin of the Empire depends on the sea, and that for its continued existence it is essential that in all its parts the maritime spirit should prevail. || A copy of the letter which has been addressed to Sir Gordon Sprigg on this subjects is attached for information.

H. J. Vansittart Neale.

Letter from the Prime Minister of Newfoundland to the First Lord of the Admiralty.

Hotel Cecil, London, W.C.

Sir, || Referring to my conversation with your Lordships, and subsequent interviews and correspondence with Rear-Admiral Custance, I am now in a position to state that the Newfoundland Government will contribute towards the Newfoundland Royal Naval Reserve the sum of 3000 *l.* sterling annually for a period of 10 years, provided the said force shall consist of not less than 600 men, the said annual payment to be proportionately reduced for each man less than that number. || The Colony will also pay over to His Majesty's Government the sum of 1800 *l.* to defray the cost of „housing in" of H.M.S. „Calypso". || In the matter of the erection of a battery referred to in my letter to Rear-Admiral Custance, of date the 1st instant, it is to be understood that, while His Majesty's Government cannot at the present time agree to erect a battery in St. John's, the matter is to be regarded as depending upon the success of the present movement. || This letter is to supersede all former correspondence and agreements.

R. Bond.

Letter from the Admiralty to the Prime Minister of Newfoundland.

Admiralty, August 1902.

Sir, || I am commanded by my Lords Commissioners of the Admiralty to inform you that they have laid before His Majesty's Government your letter of the 5th instant, addressed to the First Lord of the Admiralty, in which you state that the Newfoundland Government will contribute towards the branch of the Royal Naval Reserve established in that Colony the sum of 3000 *l.* sterling annually for a period of 10 years, provided the said force shall consist of not less than 600 men, and also that the Newfoundland Government will place in the hands of His Majesty's Government the sum of 1800 *l.* to defray the cost of „housing in, &c." His Majesty's ship „Calypso". || His Majesty's Government accept with pleasure these payments under the conditions specified in your letter, as an indication of the determination of the inhabitants of Newfoundland to share in the charge of maintaining His Majesty's Naval Forces. || The Admiralty will consider the question of the erection of a drill battery at St. John's if further experience shows that it will add to the efficiency of the Naval Reserve. || I am to add that your suggestion that all former correspondence and agreements shall be considered as superseded is accepted.

H. J. Vansittart Neale.

Admiralty, S.W., August 15, 1902.

Sir, || In transmitting the enclosed printed paper, I am commanded by my Lords Commissioners of the Admiralty to state that their Lordships will be glad to receive your formal concurrence in the „Draft Agreement between His Majesty's Government of the United Kingdom, the Commonwealth of Australia, and the Colony of New Zealand" (shown at page 7), the terms of which, as you are aware, have already been mutually accepted.

G. H. Hoste,
Pro. Sec.

Hotel Cecil, London, W.C. September 2, 1902.

My Lord, || I have the honour to acknowledge the receipt of Admiralty letter transmitting printed copy of the Draft Agreement between His Majesty's Government of the United Kingdom, Commonwealth of Australia, and the Colony of New Zealand, and in reply to inform you that I concur in the Draft Agreement, and, subject to confirmation by the Government, will in due course submit same for the approval of the New Zealand Parliament.

I have to express regret that owing to my absence from London during the past fortnight this matter has been delayed.

I have, &c.
R. Seddon,
Premier of New Zealand.

Commonwealth of Australia, Prime Minister, September 25, 1902.

Sir, || I have the honour to acknowledge the receipt of your letter of the 15th of August last, stating that their Lordships would be glad to receive my formal concurrence in the „Draft Agreement between His Majesty's Government of the United Kingdom, the Commonwealth of Australia, and the Colony of New Zealand", shown at page 7 of the printed paper enclosed in your letter. || The terms of the Draft Agreement were, as you correctly state, mutually accepted in London before the close of the late Conference at the Colonial Office, and therefore my written assent to them, subject to the approval of the Parliament of the Commonwealth, remains now to be formally given and is hereby given.

I have, &c.
Edmund Barton.

Draft Agreement between His Majesty's Governments of the United Kingdom, the Commonwealth of Australia and the Colony of New Zealand.

The Commissioners for executing the office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, &c., and the Governments of the Commonwealth of Australia and of New Zealand, having recognised the importance of sea power in the control which it gives over sea communications, the necessity of a single navy under one authority, by which alone concerted action can be assured, and the advantages which will be derived from developing the sea power of Australia and New Zealand, have resolved to conclude for this purpose an Agreement as follows: —

Article I.

The naval force on the Australian Station shall consist of not less than the under-mentioned sea-going ships of war, all of which shall be from time to time throughout the terms of this Agreement of modern type, except those used as drill ships: — || 1 Armoured Cruiser, 1st class; || 2 2nd-class Cruisers; || 4 3rd-class Cruisers; || 4 Sloops; || And of a Royal Naval Reserve consisting of 25 officers and 700 seamen and stokers.

Article II.

The base of this force shall be the ports of Australia and New Zealand, and their sphere of operations shall be the waters of the Australia, China, and East Indies Stations, as defined in the attached schedules, where the Admiralty believe they can most effectively act against hostile vessels which threaten the trade or interests of Australia and New Zealand. No change in this arrangement shall be made without the consent of the Governments of the Commonwealth and of New Zealand; and nothing in the Agreement shall be taken to mean that the naval force herein named shall be the only force used in Australasian waters should the necessity arise for a larger force.

Article III.

This force shall be under the control and orders of the Naval Commander-in-Chief for the time being appointed to command His Majesty's Ships and Vessels on the Australian Station.

Article IV.

Of the ships referred to in Article I., one shall be kept in reserve and three shall be only partly manned and shall be used as Drill Ships for training the Royal Naval Reserve, the remainder shall be kept in Commission fully manned.

Article V.

The three vessels used as Drill Ships and one other vessel shall be manned by Australians and New Zealanders as far as procurable, paid at special rates, and enrolled in proportion to the relative population of the Commonwealth and New Zealand. If a sufficient proportion of men from either Colony should not on the aforesaid basis be forthcoming a sufficient number of men to complete the complements of the ships may be enrolled from the other Colony. || They shall be officered by Officers of the Royal Navy supplemented by Officers of the Royal Naval Reserve.

Article VI.

In order to ensure that the Naval Service shall include Officers born in Australia and New Zealand, who will be able to rise to the highest posts in the Royal Navy, the under-mentioned nominations for Naval Cadetships will be given annually: — || Commonwealth of Australia 8 || New Zealand 2.

Article VII.

The branches of the Royal Naval Reserve established in Australia and New Zealand shall be called into actual service by His Majesty in Council, acting on the advice of his Governments of the Commonwealth of Australia and New Zealand respectively. || The men forming the Royal Naval Reserve shall be divided into two classes: — || *(a.)* Those who have served for three years on board one of H.M. Ships. || *(b.)* Those who have not so served. || These men shall be trained on ships specially provided for the purpose.

The Officers of this reserve force shall be included on the list of Officers of the Royal Naval Reserve.

Article VIII.

In consideration of the service afore-mentioned the Commonwealth of Australia and New Zealand shall pay the Imperial Government five-twelfths and one-twelfth respectively of the total annual cost of maintaining the Naval force on the Australian Station, provided that the total amount so paid shall in no case exceed 200 000 *l.* and 40 000 *l.* respectively in any one year. In reckoning the total annual cost a sum equal to 5 per cent. on the prime cost of the ships of which the Naval force of the Station is composed shall be included.

Article IX.

The Imperial Government recognise the advantages to be derived from making Australasia a base for coal and supplies for the squadrons in Eastern waters.

Article X.

1. This Agreement shall be considered to become actually binding between the Imperial Government and the Commonwealth of Australia and New Zealand so soon as the Colonial Legislatures shall have passed special appropriations for the terms hereinafter mentioned, to which Acts this Agreement shall be attached as a First Schedule. || 2. The Agreement shall be for a period of ten years, and only terminate if and provided notice has been given two years previously, viz., at the end of the eighth year, or at the end of any subsequent year, and then two years after such date.

Article XI.

1. The payments named in Article VIII. shall be considered as payments in advance, and shall first become due and payable six months after the Colonial Legislature shall have passed the special appropriation

referred to in Article X. || 2. The period of ten years referred to in Article X. is to be calculated from the date on which the Colonial Legislature passes the special appropriation referred to. || 3. The payments under the existing Agreement and that Agreement itself shall terminate on the date on which the payments under the new Agreement commence. || 4. The share of these payments due from each Colony shall be paid annually in London by the High Commissioner of the Commonwealth and the Agent-General of New Zealand, and, pending the appointment of the first-named officer, by such person as the Government of the Commonwealth may nominate, to such account as the Lords Commissioners of the Admiralty may direct.

Article XII.

In time of peace one of the drill ships referred to in Article IV. and one other cruiser shall be stationed in the waters of New Zealand and its dependencies as their headquarters. Should, however, such emergency arise as may, in the opinion of the Naval Commander-in-Chief, render it necessary to remove either or both of such ships, he shall inform the Governor of the reasons for such temporary removal.

Schedule to Agreement.

Limits of Australia Station.

The Australia Station, as referred to in Article II. of the foregoing Agreement is bounded — || North. — On the North from the meridian of 95 degrees East, by the parallel of the tenth degree of South latitude, to 130 degrees East longitude, thence northward on that meridian to the parallel of 2 degrees North latitude, and thence on that parallel to the meridian of 136 degrees East longitude, thence North to 12 degrees north latitude, and along that parallel to 160 degrees West longitude, thence South to the Equator, thence East to the meridian of 149° 30′ West longitude. || West. — On the West by the meridian of 95 degrees East longitude. || South. — On the South by the Antarctic Circle. || East. — On the east by the meridian of 149° 30′ West longitude.

Limits of the China Station.

The China Station, as referred to in Article II. of the foregoing Agreement, is bounded — || North. — On the North from the meridian of 95° of East longitude in 10° North latitude, along that parallel to the West Coast of the Malay Peninsula, thence by the shores of Asia

as far as the meridian of 180°. || West. — On the West from the latitude of 10° North by the meridian of 95° East longitude to 10° of South latitude. || South. — On the South from the meridian of 95° East longitude by the parallel of 10° South latitude to 130° East longitude, thence North to 2° North latitude, and along that parallel to 136° East longitude, thence North to 12° North latitude and along that parallel to the meridian of 180°. || East. — On the East by the meridian of 180° from 12° North latitude to the point where the meridian reaches the shores of Asia.

Limits of East Indies Station.

The East Indies Station as referred to in Article II. of the foregoing Agreement is bounded — || North. — On the North by the southern shores of Asia, including the Persian Gulf, from an imaginary line drawn from Jebel Sejan on the African Coast to Cape Babel Mandeb on the Arabian Coast, to where the 10th parallel of North latitude touches the West Coast of the Malay Peninsula. || East. — On the East by the meridian of 95° East longitude between the parallels of 10° North and 26° South latitude. || South. — On the South by the 10th parallel of North latitude between the coast of the Malay Peninsula and the 95th meridian of East longitude, and by the parallel of 26° South latitude between the 95th and 42nd meridians of East longitude. || West. — On the West by the 42nd meridian of East longitude between the parallels of 26° and 10° South latitude, by the 43rd meridian between the parallel of 10° South and the Equator, and by the East Coast of Africa between the Equator and Jebel Sejan.

From this it will be seen that a very considerable improvement has been arranged, subject to the approval of the Parliaments concerned, in the terms of the Australasian Naval Agreement, by which the effectiveness of the squadron to which it relates as part of the naval force of the Empire will be greatly increased, and the amount of the Colonial contribution towards the maintenance of the squadron will be raised from 126 000 *l.* a year, at which it stands at present, to 240 000 *l.* At the same time the Premiers of Cape Colony and Natal have intimated their desire to increase their unconditional contributions to the Navy from 30 000 *l.* and 12 000 *l.* to 50 000 *l.* and 35 000 *l.* respectively. || Newfoundland also, where a branch of the Royal Naval Reserve was established two years ago, the expense of which was borne entirely on Imperial funds, has now agreed to contribute a sum of 3000 *l.* a year towards the charge on the

understanding that the number of the reserve there is raised to and maintained at 600 men, and further to contribute a capital sum of 1800 *l.* towards the „housing in“ of the training ship „Calypso“, which is to be stationed there. If, as may confidently be expected, these arrangements are accepted by the Parliaments of the Colonies concerned, a considerable forward step in the organisation of the Empire for the protection and defence of the general interests will have been accomplished. Though the aggregate contributions from the Colonies will under the new arrangements be practically doubled, they will still amount to little more than one per cent. of the charge for the Navy borne by the taxpayers of the United Kingdom, but the increase, and still more the proposals in the Australasian and Newfoundland agreements, which will add a considerable Colonial element to the personnel of the fleet, are satisfactory as evidence that the self-governing Colonies realise that the burden of defence is a common burden, and that they feel that the time has come when the unity of sentiment which now knits the Empire together should receive practical expression by their sharing, as far as their circumstances permit, in the task of providing for the defence of the common interests, of which, as the First Lord of the Admiralty pointed out, their proportion is steadily and continuously growing.

Military Defence.

In regard to the question of military defence, the Conference did not reach any definite decision. The Parliament of New Zealand had, in 1900, passed an Act providing for the establishment in the Colony of an Imperial Military Reserve for service in certain cases of emergency outside the limits of the Colony, and notice of the following motion had been given by Mr. Seddon: — || „That it is desirable to have an Imperial Reserve Force formed in each of His Majesty's Dominions over the seas for service in case of emergency outside the Dominion or Colony in which such reserve is formed. The limits within which such reserve force may be employed outside the Colony wherein it is raised to be defined by the Imperial and Colonial Governments at the time such reserve is formed, and to be in accordance with any law in force for the time being respecting the same. The cost of maintaining and equipping such Imperial Reserve Force to be defrayed in such proportion and manner as may be agreed upon between the Imperial and Colonial Governments.“ || The question had also been considered by the Colonial Defence Committee, and the Report of that body, together with the papers by Major-General French and Major-General Hutton, dealing specially with the organisation of the

forces of the Commonwealth, were communicated to the members of the Conference. Copies of these papers are appended. ‖ The discussion of the question was opened by the Secretary of State for War in the following speech, in which he indicated the views of his military advisers and himself as to the form in which the self-governing Colonies might assist in the military defence of the Empire: —

„The Secretary of State for War: Mr. Chamberlain and Gentlemen, — On the last occasion, when I had the pleasure of attending here, Lord Selborne opened the Conference on the question of Imperial defence from the standpoint of the Navy, and we have before us with regard to the Army a Notice of Motion formulated by the Government of New Zealand to the effect: »That it is desirable to have an Imperial Reserve Force formed in each of His Majesty's Dominions over the seas for service in case of emergency outside the Dominion or Colony in which such Reserve is formed. The limits within which such Reserve Force may be employed outside the Colony wherein it is raised to be defined by the Imperial and Colonial Governments at the time such Reserve is formed, and to be in accordance with any law in force for the time being respecting the same. The cost of maintaining and equipping such Imperial Reserve Force to be defrayed in such proportion and manner as may be agreed upon between the Imperial and Colonial Governments.“ ‖ „Although I heartily concur with the terms of the Motion generally, I may perhaps be allowed to say that what I may be able to say today is not in any way based on that resolution. The question of our Imperial Land Forces is one which has not been brought forward either by the momentary impetus of the late war, or by anything but a desire for a settled policy in this respect, and I would venture to point out that our whole progress in this country for the last 20 years has been to some such end as that which we are now asking you to put your seal upon. National defence had been allowed to go very much backward during the, seventies.‘ During the ‚eighties,‘ Sir, very considerable progress was made, especially after Lord Randolph Churchill's resignation as Chancellor of the Exchequer, which was based upon and which formed a subject of a trial of strength as to whether our coaling stations for the Navy and national defences should be maintained. Since then attempts have been made from time to time to estimate what our land forces might be called upon to undertake. Those attempts have become more necessary year by year. It is practically impossible to exclude from our minds the necessities not of offensive but of defensive action for the maintenance of our Colonies and Dependencies all over the

world, and the Government have, within the last two years, definitely stated, I think almost for the first time, how they adjust our land forces at home, and what proportion they hold in readiness for the protection of our interests in other parts of the globe. || „Perhaps I might recapitulate the views which I put before the House of Commons, now 18 months ago, on behalf of the Government, and which, after long discussions, were accepted, and have been generally agreed to by Parliament. We are prepared — and our organisation enables us in the future — to send 120 000 regular troops abroad to any part of the British Empire which may be threatened. We keep up a home field army of another 120 000 men; we keep 190 000 men for our garrisons; we have a large number — somewhere between 100 000 and 200 000 — employed in various positions for the defence of London and for strategic positions which might be threatened in case of invasion. But large as these preparations may sound, they are certainly not deemed too large, by our military advisers, in view of the possibility of our at any time losing the command of the sea, and I would venture to remind the Conference that what Great Britain does off her own bat towards defence of Colonies and Dependencies, is not limited by her power to send 120 000 men to any threatened position in case of emergency. We have close upon 80 000 British troops in India. We have always some 30 000 in the Colonial garrisons, and at present — and probably for some long time to come — we must, in view of South Africa, look to keeping a larger number than that. Therefore, we have, either abroad at this moment or liable to go abroad on any emergency, close upon a quarter of a million of men. And I would point out that this is not a force kept for ambitious schemes or offensive operations or for an attempt to involve ourselves in the great quarrels of our neighbours in Europe. We have only got to look to the illustrations of the late war to see that in fixing 120 000 men as our contingent, we are rather under than over the mark of what we might be called upon to send, having in view that we have had to send double the number, with your assistance, for the defence of two of our Colonies.

„I recognise that in bringing these subjects before you I am bound to show that the Mother Country is doing her part. I do not think that anybody will contend that a nation which keeps 110 000 or 120 000 men permanently abroad under a system of voluntary enlistment, and is prepared to send the same number in the case of emergency, is not doing her share in protecting her Colonies and Dependencies, which are relying upon her assistance. On the other hand it is held — speaking

in this room, by our military advisers it is strongly held — that circumstances may occur in which it is most desirable that we should have a call on further troops. Of course we should have a certain number at home, which, if the sea is safeguarded, we should, as we did in the case of South Africa, send out; but the whole secret of success in war is time, and we can never count on having so much time as we have had in the late war. We should never count — either in respect to policy or as to time — on having an enemy who would enable us to make up during the war the deficiencies which we found at the beginning. I should like to speak, if I may, quite frankly to the Conference on this subject. In the Boers we had an armed enemy — not an army — shrewd, and brave, and provided with good weapons; but they neglected at the beginning of the war obvious opportunities — obvious and many opportunities. I am not a tactician, but I have studied the opinions of those who have written and who have given me their advice. I might point out that there were incidents earlier in the war, there were occassions, when a powerful and determined enemy, properly organised, could have taken advantage of our early reverses, and could have moved with great effect upon our communications. That was not done because the forces were not an organised army. Again, in individual battles there were many opportunities of which a determined leader, who had an organised force at his disposal, would have taken advantage to break our line — very often a long extended one — and would have put our troops to a much more severe test than even they were put to. I only mention that fact for this reason, that we have to consider what will be the effect if we found ourselves pitted against European troops. We should have both these contingencies, which were neglected by the Boers, to look to. My object in mentioning this is to remind you that we had largely to rely — both in our own and in our Colonial levies — on relatively untrained troops. I admit to the full that our levies, that is to say, our yeomanry and other hastily levied troops, differed extremely in their composition and in their military quality. They all improved enormously after some months; but no General commanding British troops would have been willing, in the condition in which many of them went out — nor would it have been fair, to pit them against European troops, and the same, in a lesser degree, holds good as regards the Colonial force sent to our support. They differed, and they were bound to differ exceedingly, in their military quality, especially at the beginning, and on first landing; and it is not disrespectful to them to say that, with the training which they had received before they landed,

there was a considerable number of those troops which no General would have had a right to pit against European troops without further training, and it is exceedingly important to us in laying down our plans of action for the future to know to what extent we can depend in an emergency upon Colonial support. Of course; I realise in regard to all these questions that we should not ask for — that we should go too far if we asked for any general promise of support in an emergency which has not arisen; but what I do trust very strongly is this: that in case of an emergency, and in case of different Colonies being willing to come to the support of the Mother Country in such emergency, they should be in a position to do so with a body of troops, however moderate in number, which could be put in line with our own regular troops against a European Power. I am not, of course, speaking of action on the Continent of Europe, but it will not be necessary for any of us to go far to conceive cases in which in support of our Colonies it might be necessary to send a large British force, and in some cases in quarrels in which Great Britain's interest would be considerably less than that of the Colony affected. Therefore, I am not asking that this should be regarded simply as a donative on the part of the Colonies out of loyalty. I ask it rather on the ground of reciprocity, and I ask it also because, if you take some parts of the world in which our interests might be threatened, it must be perfectly obvious that it would not be in the power of the Mother Country to perform her part of the business effectively without some support. || „Take, for instance, the case of China. We have recently come to an agreement with Japan — an agreement which you will recollect, is not one for offensive action, since it only comes into force in the case of aggressive action by other Powers. Obviously in any plan of campaign which might be found necessary to protect our trade with China against encroachment, and against aggression, we should be bound, and we should wish, to give Japan, our ally, every support in our power. It is equally obvious that our interests would be strongly threatened in other parts of the globe at the same time. A campaign between two great Powers is not fought out solely on the spot at which the quarrel has arisen. In the case of any trouble which threatened our Indian Empire, we are bound to send large reinforcements from here. In the case of war which involved European Powers our striking effect would necessarily be exercised on some of their dependencies. That is what Great Britain ought to be prepared to do; but by propinquity and also from other causes nothing could assist us more supposing that quarrel, forced upon us by others, also obtained for us

the support of the different Colonial Governments, than that we should be able to count on being able to support our ally in China with a small body, but, at the same time, a well organised body of Colonial force from those Colonies which are nearest and which are most conveniently situated for supporting us in China. || „Well, now, what is the present position? We have had a memorandum which I think has been probably read by all the authorities who are present, and which shows that we have nominally of all ranks a very large permanent force in Australia, something like 27 000 men; in Canada, 38 000; in New Zealand, 17 000; and making up with South Africa, say, probably, something like 100 000 men. Well, what is the military value of the force? That is the question we have to put to ourselves, what is its military value for the defence of the Colonies themselves, and what is its military value for assistance to the Empire at large, to the extent to which it is asked to contribute. Well, I hope I shall not be accused, if I am frank, of in any way disparaging our Colonial troops. I began by saying that all, and more than all, that may be said as to their diversity may be said as to the diversity of the Imperial forces outside the regular army, but the diversity is exactly what my military advisers are engaged in reducing to the best of their ability, so that we may know exactly what we have to depend upon.

„Take the case first of all of Canada; Canada has nearly 40 000 men. We know that in no part of the Empire has better fighting material been found in the recent war than among the Canadians, but I see from the last annual Report from the General Officer Commanding the Canadian Militia, a report which was referred to in high terms in a recent debate on the Militia in the Canadian Parliament, that the city corps have absolutely no training whatever in the field duties of a soldier, and that the rural corps ‚will never be made even fairly fit to take the field with the limited period of annual training that they receive under existing conditions.‘ In the urban corps it is further stated to be impossible at present to give anything beyond theoretical instruction in the more important duties of a soldier, such as scouting, outpost work, entrenchment and tactical exercises. As regards the cavalry the general officer regretted his inability to report that as cavalry they can be considered to be in any instance more than barely efficient. Beyond that, we know that Canada has at present no trained staff, or a system of training of staff officers, and very recently a rifle has been adopted in Canada which, although carrying the same cartridge as our British rifle, is of a different pattern, which in itself we think is a little unfortunate, as breaking the

uniformity and the interchangability from the one to the other in case troops are employed together. Anybody who reads the report will see that, however fine might be the patriotic ardour and keenness of Canada at a given moment, troops hastily improvised from such material can only be placed by a General against trained troops with very considerable caution. || „Well, then again, in regard to Australia, there was a military Committee of Inquiry which was assembled last year by the Commonwealth Government to report on the organisation and the state of instruction of the guards of the various Australian States. Those reports point out much that I daresay might have been said with equal truth of our organisation here no more than 15 or 20 years ago, but I hope we have progressed here. The troops vary very much in quality, and are deficient as regards the departmental corps which are necessary to accompany them in the field, Army Service Corps and Ordnance, and Army Medical Departments. In some States there are none. Victoria has only a reserve of 17 rounds of small arms ammunition per rifle. Western Australia only 28 rounds reserve, and again there has not been any military administrative staff to deal with supply or other arrangements, and only in one State is there periodical inspection of ammunition and warlike stores. The Engineer units do not receive a continuous annual training, and like the great variety of armaments and ammunition, anybody who reads those reports will see that however magnificent the material, however loyal and patriotic the feeling, you can only treat contingents which are got together on the spur of the moment, and hastily improvised, as a moral force, a moral support to the Empire at a critical moment, but not one on which the Empire would be justified in relying in any way to the exclusion of its own regular troops, and my point is that cases must and will arise in which we shall have to ask, in which we shall require a larger force than we have of our own, and in which the Colonies who send it us on the ground that they think us worthy of support in a particular emergency should be prepared to send us reliable forces. || „Now, your time is of value, and I do not want to enlarge on the many other features which are put before me by my military advisers on this subject, but what I would ask is this, that out of this very large number of men who are only trained in some degree in the Colonies, we must look, even if it was for only one in four to be specially trained, and to be held in readiness for such an emergency. I propose that those men should be trained with a liability to oversea service, that they should realise that they are a part of the Army Reserve of the Imperial Force, that their services are absolutely pledged in the

event of the Government to which they belong proferring assistance to the Imperial Forces in the emergency. I would ask that they should receive such training as might be agreed upon between our military authorities and the Government concerned, and that they should be fully organised and fully equipped with a view to acting together and drilling together in the battalions or regiments with which they would take the field. I do not want to go into the details of the question, because I think perhaps it is a question where we want first to have the principle decided. I do not want to go into the questions of what their status would be with regard to other corps; whether there should be any attachment to the regiments at home; whether there should be any exchange of units which has often been talked about, and was talked about at this Conference in 1897; whether the officers who are to accept service in this particular force should have any claim on Imperial Commissions. || „All those I think are questions which we must take up and deal with, but, of course, there is the great question of expenditure. I would point but that this is not a large financial question. The number of men asked for is so comparatively small that it is unlikely that there would be a difficulty in getting men to pledge themselves, and the reserve pay which we give after all only amounts to 9 *l.* per man per annum. That reserve pay, over a force of 20000 men, would only amount to 180000 *l.* a year over the whole of the Colonies, and I am by no means prepared to say, in looking to the last paragraph of Mr. Seddon's motion, that it would not be a fair thing to ask the Imperial Government to assist in that respect in case they really had a call on those troops. Of course, if these troops are entirely under the control of the Colonial Government, and if their Colony says, which it very possibly would, „We will not pledge ourselves to send you any men until we know the emergency and until we have the assent of our Parliament for agreeing to take part in that particular emergency,' it would probably be held that so long as the Colonial Government kept the control as to the employment of the troops, they should pay them. For ourselves, if it is held that any troops are part of our recognised Army Reserve, I think it would not be unreasonable for the Imperial Exchequer to bear some portion of the charge. I will not develop the question further, but I would point out that when I have spoken of 180000 *l.* divided between the whole of the Colonies, I am speaking of a relatively small figure compared to that which has been recently added to our Estimates. On a most careful review by the Cabinet of the necessities of the case within two years — the years 1900 and 1901 — we have added no less

than 9 000 000 *l.* sterling to the Peace Estimates for the Army and therefore the expenditure which I suggest may possibly not be grudged by the Colonies, though I think it may be met by retrenchment in some other quarters. In respect of figures it would only represent an expenditure in the whole of the Colonies of one-fiftieth of the sum which, in two years, the Imperial Government has had to take upon its shoulders. I would only urge before I sit down that these proposals are dictated not in the least by any idea of entering into an ambitious competition with other nations as to the extent of our land armaments. But up to now Great Britain has always been the last in the field. We cannot afford to be the last in the field. If we are forced into defensive action for any of our dependencies we are bound to be able to strike as quickly or quicker than any other Powers. That is the object of the whole of our present organisation at the War Office, which has advanced most rapidly within the last two or three years, and I sincerely trust that the Colonial Governments may see their way to giving us, in this particular form, the support which they have given us in so unstinted a manner under the circumstances of the late war."

The discussion revealed considerable difference of opinion amongst the members. While the representatives of Cape Colony and Natal were disposed to fall in with the policy suggested by Mr. Seddon and the Secretary of State for War — of having a special body of troops earmarked for Imperial service — the representatives of Canada and Australia were of opinion that the best course to pursue was to endeavour to raise the standard of training for the general body of their forces, to organise the departmental services and equipment required for the mobilisation of a field force, leaving it to the Colony, when the need arose, to determine how and to what extent it should render assistance. The Imperial sentiment in the Colonies was steadily growing, and their action in the late war left no room for doubt that such assistance would be given readily and effectively and to the utmost of their ability in any future emergency. || To establish a special force, set apart for general Imperial service, and practically under the absolute control of the Imperial Government, was objectionable in principle as derogating from the powers of self-government enjoyed by them, and would be calculated to impede the general improvement in training and organisation of their defence forces, and, consequently, their ability to render effective help, if it should be required. || In the result it was decided that, if His Majesty's Government on consideration should think it desirable to take action on

the suggestion of the Secretary of State for War in the case of those Colonies which were disposed to fall in with it, it would be best to do so through the usual channel of official correspondence. The views of the Canadian Ministers on the general question of defence were specially set forth in the annexed Memorandum.

Army and Navy Supply Contracts.

On the question of Army and Navy supply contracts raised by the Government of the Commonwealth, the correspondence which had passed with the Admiralty and War Office, showing the principles which governed the action of these departments in the matter, was communicated to the Conference, and the Secretary of State for War and the Financial Secretary of the Navy attended and took part in the discussion of the subject. The following resolution was unanimously adopted: — „That in all Government contracts, whether in the case of the Colonial or the Imperial Governments, it is desirable that, as far as practicable, the products of the Empire should be preferred to the products of foreign countries. With a view to promoting this result, it is suggested that where such contracts cannot be filled in the country in which the supplies are required, the fullest practicable notice of the requirements and of the conditions of tender should be given both in the Colonies and the United Kingdom, and that this notice should be communicated through official channels as well as through the Press."

Commissions in the Navy and Army.

The subject of commissions in the Army and Navy for young men from the Colonies was also discussed at the instance of the Government of New Zealand. So far as the Navy is concerned the matter has been dealt with in the special agreements with Australia and New Zealand and the Cape and Natal. || Under these arrangements, eight cadet-ships in the Navy will be given annually to the Commonwealth of Australia, two each to New Zealand and Cape Colony, and one to Natal, an arrangement which will, it is hoped, still further develop, in the case of these Colonies, their practical interest in and association with the work of the Navy. || With regard to the Army, the Secretary of State for War stated that he would regard with favour the possibility of doing something in the direction indicated by the resolution, which was passed unanimously in the following terms: — || „That the Prime Ministers of the self-governing Colonies suggest that the question of the allotment of the Naval and Military cadets to the Dominions beyond the seas be

taken into consideration by the Naval and Military authorities, with a view to increasing the number of commissions to be offered; that consistent with ensuring suitable candidates, as far as practicable, greater facilities than now obtain should be given to enable young Colonists to enter the Navy and the Army."

Uniformity in Patterns of Weapons.

The desirability of uniformity in the patterns of weapons employed by the various military forces of the Empire was brought forward in the opening statement of the Secretary of State for War. There was general agreement on this subject, but no formal resolution was passed.

Political Relations.

In regard to the political relations of the Mother Country with the Colonies a motion was presented on behalf of the Government of New Zealand: — || „That it would be to the advantage of the Empire if triennial Conferences were held, at which questions affecting the political and commercial relations of the Mother Country and His Majesty's Dominions over the seas could be discussed and considered, as between the Secretary of State for the Colonies and the Premiers of the self-governing Colonies. In case of any emergency arising, upon which a Special Conference may have been deemed necessary, the next ordinary Conference to be held not sooner than three years thereafter." || The previous Conference, in 1897, had passed a resolution that: —

„The Premiers are of opinion that it would be desirable to hold periodical Conferences of representatives of the Colonies and Great Britain, for the discussion of matters of common interest." || It was the general opinion that it was desirable to take a step in advance of that resolution, and, while leaving due latitude for any political exigencies which might render it difficult for the Prime Ministers to leave their Colonies at a date fixed in advance, at the same time to indicate that the Conferences should not wait for some special object, but should take place as a rule at fixed periods, unless there is some reason to the contrary. || This view was embodied in the resolution unanimously adopted: — || „That it would be to the advantage of the Empire if Conferences were held, as far as practicable, at intervals not exceeding four years, at which questions of common interest affecting the relations of the Mother Country and His Majesty's Dominions over the seas could be discussed and considered as between the Secretary of State for the Colonies and the Prime Ministers of the self-governing Colonies. The

Secretary of State for the Colonies is requested to arrange for such Conferences after communication with the Prime Ministers of the respective Colonies. In case of any emergency arising upon which a Special Conference may have been deemed necessary, the next ordinary Conference to be held not sooner than three years thereafter."

Communication with Colonies prior to Concluding Treaties.

The only other matters affecting political relations before the Conference were the questions raised by the Government of the Commonwealth of communicating with the Colonies with regard to the terms of Treaties before they are concluded, and of an Imperial Court of Appeal. In regard to the former it was explained that in regard to Treaties of Commerce and Navigation, which appeared to be more especially contemplated by the Commonwealth Government, every effort was already made to carry out the policy indicated, and that where a Colony or Colonies were specially concerned it was the custom to invite them to be specially represented in the negotiations, and the following resolution which was adopted by the Conference gives formal expression to the practice which has been followed in recent years: — || „That so far as may be consistent with the confidential negotiation of Treaties with Foreign Powers, the views of the Colonies affected should be obtained in order that they may be in a better position to give adhesion to such Treaties."

Imperial Court of Appeal.

The subject of an Imperial Court of Appeal was brought up by Sir E. Barton with the view of ascertaining how far the other Prime Ministers were satisfied with the results of the Special Conference on the question held in 1901, and on finding that there was general acquiescence in that result he did not pursue the matter.

Commercial Relations.

Whilst the informal discussions on the subject of defence were proceeding the Conference took up the consideration of the various matters grouped in the list of subjects proposed for discussion under the head of „commercial relations." || In regard to this matter the policy of His Majesty's Government was declared in the speech of the Secretary of State at the Conference in 1897, and repeated in his opening statement already quoted. They are satisfied that a system of free trade within the Empire, if it could be attained, would lead to the rapid and profitable exploitation of its boundless natural resources, and at the same time

promote the natural and healthy growth and expansion of its manufacturing industries. || It would change the various parts from a series of commercial units to an organic whole, the strength and solidarity of which would grow in proportion with its commercial and industrial development, and would lead inevitably to that closer political union which is so generally desired. || At the last Conference, in 1897, the Prime Ministers passed two resolutions on this subject, the first urging the early denunciation of any treaties which hampered the commercial relations between Great Britain and the Colonies, and the second undertaking to confer with their colleagues with the view of seeing whether an improvement of the trade relations between the Mother Country and the Colonies could properly be secured by a preference given by the Colonies to the products of the United Kingdom. Following on these resolutions His Majesty's Government at once denounced the treaties with Germany and Belgium, and the Dominion of Canada, which had given a tariff preference of $12^1/_2$ per cent. — to be increased to 25 per cent. in 1898 — to the products of the United Kingdom, offering a similar reduction to the products of any country where the Customs tariff on Canadian produce was as favourable as the Canadian tariff, so reduced, was to the products of such country, on the termination of the treaties confined this preference to the products and manufactures of the United Kingdom and certain British Colonies. The preference was, in 1900, increased to $33^1/_3$ per cent. of the duty, and its results so far on the trade between the United Kingdom and Canada are fully discussed in the Memoranda by the Board of Trade and the Dominion Minister of Customs which were laid before the Conference and copies of which are annexed. || Notice of a motion on this subject had been given on behalf of the Government of New Zealand to the following effect: — || „That it is essential to the well-being of the Mother Country and His Majesty's Dominions beyond the seas that in such Dominions where the same do not now exist, preferential tariffs by way of rebate of duties on British manufactured goods carried in British owned ships should be granted, and that in the Mother Country rebate of duty on Colonial products now taxable should be conceded." || The discussion revealed a very strong feeling amongst the Prime Ministers in favour of making some definite advance towards establishing closer trade relations between the Mother Country and the Colonies. But the circumstances in the different Colonies differed so widely that it was apparent that no arrangement applicable to all could be devised, and it was resolved accordingly that the several Prime Ministers should meet the President of the Board of Trade

privately, with the view of considering such separate arrangements as would best meet the varying circumstances of the several Colonies, and that when the result of these meetings was reported, the Conference should proceed to discuss the terms of a general resolution, embodying the principle of the arrangements arrived at. || The result of the informal meetings with the President of the Board of Trade are set forth in the following Memorandum: —

Memorandum by the President of the Board of Trade.

As a result of the communications which have taken place, it is understood that the representatives of the Colonies hereinafter mentioned are prepared to recommend to their respective Parliaments preferential treatment of British goods on the following lines: — || Canada. || The existing preference of $33^1/_3$ per cent., and an additional preference on lists of selected articles — || (*a*) by further reducing the duties in favour of the United Kingdom; || (*b*) by raising the duties against foreign imports; || (*c*) by imposing duties on certain foreign imports now on the free list.

Australia. || Preferential treatment not yet defined as to nature or extent.

New Zealand. || A general preference by 10 per cent. all-round reduction of the present duty on British manufactured goods, or an equivalent in respect of lists of selected articles on the lines proposed by Canada, namely: — || (*a*) by further reducing the duties in favour of the United Kingdom; || (*b*) by raising the duties against foreign imports; || (*c*) by imposing duties on certain foreign imports now on the free list.

The Cape and Natal. || A preference of 25 per cent. or its equivalent on dutiable goods other than specially rated articles to be given by increasing the duties on foreign imports.

The general resolution that was finally adopted as covering the principle underlying the several proposals comprised in Mr. Balfour's Memorandum, was as follows: — || „1. That this Conference recognises that the principle of preferential trade between the United Kingdom and His Majesty's Dominions beyond the seas would stimulate and facilitate mutual commercial intercourse, and would, by promoting the development of the resources and industries of the several parts, strengthen the Empire. || „2. That this Conference recognises that, in the present circumstances of the Colonies, it is not practicable to adopt a general system of Free Trade as between the Mother Country and the British

Dominions beyond the seas. || „3. That with a view, however, to promoting the increase of trade within the Empire, it is desirable that those Colonies which have not already adopted such a policy should, as far as their circumstances permit, give substantial preferential treatment to the products and manufactures of the United Kingdom. || „4. That the Prime Ministers of the Colonies respectfully urge on His Majesty's Government the expediency of granting in the United Kingdom preferential treatment to the products and manufactures of the Colonies, either by exemption from or reduction of duties now or hereafter imposed. || „5. That the Prime Ministers present at the Conference undertake to submit to their respective Governments at the earliest opportunity the principle of the resolution, and to request them to take such measures as may be necessary to give effect to it."

The Canadian Ministers handed in the following Memorandum to explain their attitude on this question: —

Memorandum by Canadian Ministers.

This subject has frequently engaged the attention of the Conference. At an early stage Mr. Chamberlain suggested that the question could most conveniently be considered by the representatives of each Colony placing themselves in communication with the President of the Board of Trade, Mr. Gerald Balfour, and the officials of that Department. Accordingly the Canadian Ministers had several protracted interviews with these gentlemen, and discussed the whole subject very fully. Opportunity was also taken to present the Canadian view to Mr. Chamberlain. Now that the Conference is drawing to a close, it is desirable that the course of the discussion, and the conclusions reached by the Canadian Ministers, should be outlined and placed on record. || From the beginning of the proceedings the Canadian Ministers have claimed that in consideration of the substantial preference given by Canada for some years to the products of the Mother Country, Canadian food products should be exempted in the United Kingdom from the duties recently imposed. Representations to this effect previously made through the High Commissioner for Canada were supplemented by the Ministers, both in writing and in the personal interviews with the Imperial Ministers. || Mr. Chamberlain, on behalf of the Imperial Government, was unable to agree to the proposals of the Canadian Ministers. He represented that the Imperial Government, while highly appreciating the good feeling manifested by Canada in the granting of preferential treatment, did not think the material results to the trade of the United Kingdom were as great as the Canadian Ministers claimed. He further said that the change desired by Canada would be an important

departure from the established fiscal policy of the Kingdom, and that if the proposals could be entertained at all, as to which he was not prepared to commit himself, it would be necessary for Canada to offer some material tariff concessions beyond those which she had already voluntarily given. || The Canadian Ministers, therefore, submitted a memorandum on the subject of the advantages already received by Great Britain from the Canadian preferential tariff, with a view to showing that these were of much value, and entitled to weight in the consideration of the whole subject. || While urging that the benefits of the preference were such as to entitle Canada to the desired exemption from the duties on food products in the United Kingdom, the Canadian Ministers stated that within certain limitations they were prepared to consider the request of Mr. Chamberlain for further concessions in return for the desired preference in the markets of the United Kingdom. While it was not deemed necessary to enter into questions as to the wisdom or unwisdom of the policy adopted by all governments in Canada, of raising the revenues chiefly from Customs duties, the Canadian Ministers pointed out that under that policy large industries had grown up which had to be considered in connection with proposed tariff changes. Large reductions of duties had been made in recent years, especially on British imports. It was feared that in some lines of importance further reductions might create a disturbance of trade which would not be conducive to the welfare of the country. But the Canadian Ministers pointed out that the Canadian tariff was by no means prohibitive, that large quantities of goods were imported, and that a great proportion of these came from foreign countries. In any lines in which it appeared that the goods would be manufactured in Great Britain it might be possible to so readjust some duties as to give an additional advantage to the British manufacturer, and thus turn over to him a volume of trade which as present is held by the manufacturers of foreign countries. || The Canadian Ministers stated that if they could be assured that the Imperial Government would accept the principle of preferential trade generally, and particularly grant to the food products of Canada in the United Kingdom exemption from duties now levied, or hereafter imposed, they, the Canadian Ministers, would be prepared to go further into the subject, and endeavour to give to the British manufacturer some increased advantage over his foreign competitors in the markets of Canada. || Meanwhile the Canadian Ministers determined to present to the Conference a Resolution affirming the principle of preferential trade, and the desirability of. its adoption by the Colonies generally, and also expressing the opinion of the Prime Ministers of the Colonies that His

Majesty's Government should reciprocate by granting preferential terms to the products of the Colonies in the markets of the Mother Country. The Canadian Ministers desired to have it understood that they took this course with the strong hope and expectation that the principle of preferential trade would be more widely accepted by the Colonies, and that the Mother Country would at an early day apply the same principle by exempting the products of the Colonies from Customs duties. If, after using every effort to bring about such a readjustment of the fiscal policy of the Empire, the Canadian Government should find that the principle of preferential trade is not acceptable to the Colonies generally, or the Mother Country, then Canada should be free to take such action as might be deemed necessary in the presence of such conditions.

London, August 11th, 1902.

It will be observed that the resolution is wider in its scope than that submitted to the Conference on behalf of the Government of New Zealand, which proposed to confine preferential tariff treatment to goods carried in British ships. It was considered that this aspect of the question could best be considered in connection with the question raised by the other resolutions suggested by the Government of New Zealand in regard to shipping subsidies, and to the operation of the laws restricting the Coasting Trade, which are enforced by some nations.

Coasting Trade.

The resolution on this question proposed by the Government of New Zealand was as follows: || „That in view of the application of the coasting laws of the United States, and of other nations, the time has arrived for negotiations to be opened with a view to removal or modification of restrictions on British trade, failing which the Imperial Government should take steps to protect the trade of the Empire by passing a law declaring that the Colonies and Dependencies shall come within similar coasting laws.“ || The matter was fully considered by the Conference, especially in regard to its bearing on our Treaties of Commerce and Navigation with certain foreign countries, as to which information was furnished by the President of the Board of Trade, and it appeared that he matter was one for further inquiry and consideration rather than immediate action. The decision of the Conference was expressed in the following Resolution: — || „That it is desirable that the attention of the Governments of the Colonies and the United Kingdom should be called to the present state of the navigation laws in the Empire, and in other

countries, and to the advisability of refusing the privileges of coastwise trade, including trade between the Mother Country and its Colonies and Possessions, and between one Colony or Possession and another, to countries in which the corresponding trade is confined to ships of their own nationality and also to the laws affecting shipping with a view of seeing whether any other steps should be taken to promote Imperial trade in British vessels."

Mail Services and Shipping Subsidies.

The resolution proposed by the Government of New Zealand in regard to the mail services between Australia, New Zealand, Canada and Great Britain was as follows: || „That it would be an advantage to the Empire to have subsidised mail services established as between Australia, New Zealand, Canada, and Great Britain. The steamers carrying such mails to be British owned, and such steamers to be of such a class, and so fitted, that in time of war they may be armed and used as cruisers." It gave rise to an interesting discussion as to the effects on British trade and shipping of the subsidies granted to various foreign shipping firms by their respective Governments, and as to the grant of preferential rates of freight by British lines to foreign goods. The result of the discussion was that the following general resolution was adopted: —
„That it is desirable that, in view of the great extension of foreign subsidies to shipping, the position of the mail services between different parts of the Empire should be reviewed by the respective Governments. In all new contracts provisions should be inserted to prevent excessive freight charges, or any preference in favour of foreigners, and to ensure that such of the steamers as may be suitable shall be at the service of His Majesty's Government in war time as cruisers or transports."

Loss of Most Favoured Nation Treatment.

In connection with the discussion of the question of preferential trade the Conference also considered the point raised by the Commonwealth Government as to the possibility of the Colonies losing most favoured nation treatment in foreign countries in the event of their giving a tariff preference to British goods. As, however, the exports from the Colonies to foreign countries are almost exclusively articles of food or raw materials for various industries, the possibility of discrimination against them in foreign markets was not regarded as serious, and as the exports from foreign countries to the Colonies are mainly manufactured articles it was recognised that if such discrimination did take place the Colonies had an effective remedy in their own hands.

Mutual Protection of Patents.

The Conference also discussed the subjects of the mutual protection of patents and the purchase of ocean cables which had been suggested by the Government of the Commonwealth. In regard to the first of these subjects the accompanying Memorandum prepared by the Comptroller of the Patent Office had been circulated to the members, and while it was felt that it was of too technical a nature for effective discussion at the Conference, there was a general feeling that it was desirable that the recognition throughout the Empire of a patent granted in one part of it should be facilitated, and that an inquiry should be instituted as to how this could be effected, and the following resolution was passed: — „That it would tend to the encouragement of inventions if some system for the mutual protection of patents in the various parts of the Empire could be devised. That the Secretary of State be asked to enter into communication with the several Governments in the first instance and invite their suggestions to this end."

Purchase of Ocean Cables.

On the question of the purchase of ocean cables, the report of the recent departmental Committee on the subject of cable communications, and a Memorandum by Sir Sanford Fleming, advocating the establishment of a complete system of Government cable communication between the various parts of the Empire, had been laid before the Conference. The attention of the members was directed to the risk pointed out by the Committee of hampering and checking the construction of cables by private companies if any general scheme of State construction or purchase were adopted, and the decision arrived at was expressed in the following resolution: — || „That it is desirable that in future agreements as to cable communications a clause should, wherever practicable, be inserted reserving to the Government or Governments concerned the right of purchasing on equitable terms, and after due notice, all or any of the cables to which the agreements relate."

Merchant Shipping Laws. Stamp Duty on Colonial Bonds.

The question of uniformity throughout the Empire of merchant shipping laws which had been suggested for discussion by the Government of the Cape was not, in the absence of the Prime Minister of that Colony, taken up, nor was that of Imperial stamp charges on Colonial bonds which had been proposed by the Government of the Commonwealth, Sir E. Barton having explained that his principal object in putting it

forward was to indicate a possible manner in which His Majesty's Government might give some return to the Colonies for any tariff preference which the Colonies might accord to British goods. A Memorandum explaining the present position of the law on this subject was prepared by the Department of Inland Revenue and laid before the Conference.

Wireless Telegraphy.

In regard to Government control of wireless telegraphy, the Admiralty explained that it was desirable that some system of general application should be in force everywhere, so that a ship might be able to communicate with any station all over the world, and also that there should be some regulation to prevent „interference" and to ensure control in time of war. It was not desired that the Conference should take any action in the matter, but that the Governments of the Colonies should not commit themselves to any particular scheme or system without previous communication with His Majesty's Government.

Metric System.

In addition to the commercial matters, of which previous notice had been given, two subjects were brought forward by the Canadian Government during the sittings of the Conference — the adoption of the metric system of weights and measures, and the question of the postal charges on newspapers and periodicals. The following resolution was passed in regard to the metric system: — || „That it is advisable to adopt the metric system of weights and measures for use within the Empire, and the Prime Ministers urge the Governments represented at this Conference to give consideration to the question of its early adoption."

Newspaper Postage.

The resolution on the subject of newspaper postage was as follows: — || „That it is advisable to adopt the principle of cheap postage between the different parts of the British Empire on all newspapers and periodicals published therein and the Prime Ministers desire to draw the attention of His Majesty's Government to the question of a reduction in the outgoing rate. They consider that each Government should be allowed to determine the amount to which it may reduce such rate, and the time for such reduction going into effect."

Naturalisation.

Notice had been given on behalf of the Governments of the Cape Colony and Natal that they desired to raise the question of the naturali-

sation laws, and the Report of the Departmental Committee recently laid before Parliament, and the accompanying correspondence respecting a suggestion of the Dominion Government for facilitating the acquisition of rights of naturalisation throughout the Empire were laid before the members. Some exchange of views on the subject took place, but no resolution was passed.

Professional Employment in South Africa.

Notice of a motion on the subject of admission to professional employments in the new Colonies had been given on behalf of the Government of New Zealand to the following effect: — || „That in arranging for the administration of that portion of the Empire known formerly as the South African Republic and the Orange Free State, provision should be made that duly qualified members of the learned and skilled professions now admitted, and hereafter to be admitted, to practise in the Dominion of Canada, the Commonwealth of Australia, and in New Zealand be allowed to practise within the newly-acquired territories referred to.“ || The accompanying précis showing the action which had been taken in the matter by the Administration of the Transvaal and the Orange River Colony was distributed to the members of the Conference. There was a general feeling that the condition laid down by the Government of the Colonies for the reciprocal admission of professional men from them to practise in the self-governing Colonies was reasonable and proper, and the resolution was modified to meet this view, and was passed in the following terms: — || „That in arranging for the administration of the Transvaal and the Orange River Colony it is desirable that provision should be made that duly qualified members of the learned and skilled professions now admitted, and hereafter to be admitted, to practise in the self-governing Colonies be allowed to practise within the newly-acquired territories on condition of reciprocal treatment in the Colonies concerned.“ || Sir Wilfried Laurier dissented from the resolution, stating his reasons as follows: — || „This is a Conference of the self-governing Colonies. Those Colonies which it is sought to affect by this motion are not represented at this Board. They are Crown Colonies now, and, for my part, I think it is questionable wisdom, however meritorious the end may be, to attempt to dictate or suggest what should be done in these countries, which are in an exceptional condition. I think it would be far better to confine ourselves to the Colonies we represent on this Board in their relations with the Mother Country. It might serve a good purpose if there were reciprocity, but we know the conditions

in my own country. We have not yet been able to reconcile our own differences from province to province so as to get an uniform system. Under these circumstances, how can we expect that conditions which prevail in one country or another can be accepted elsewhere? For my part, I am very strongly of opinion that we should leave this question entirely to the responsibility of the Government concerned, both of the Transvaal and the Orange River Colony."

The representatives of Canada desired to bring before the Conference the question of the law under which live cattle imported into this country from Canada are required to be slaughtered at the port of landing. || It was considered, however, that the matter was not of sufficient general interest to be dealt with by the Conference, and arrangements were made for its discussion privately with the President of the Board of Agriculture. || A similar course was adopted in regard to the relations of the Commonwealth and New Zealand with the Islands of the Pacific, which formed the subject of informal discussion between Sir E. Barton and Mr. Seddon and the Colonial Office.

Victoria Memorial.

During the sitting of the Conference the Prime Ministers intimated their intention to ask their several Parliaments to vote the following sums towards the Queen Victoria Memorial: —

	£
The Dominion of Canada	30 000
The Commonwealth of Australia . . .	Reply not yet received.
New Zealand, not less than	15 000
The Cape Colony	20 000
The Colony of Natal, not exceeding	10 000
The Colony of Newfoundland	2 000

At the final meeting Sir Wilfrid Laurier moved the following Resolution which was carried unanimously: || „The Members of this Conference, representing the self-governing Colonies, desire, before they separate, to convey to Mr. Chamberlain their warm and sincere appreciation of the manner in which he has presided over their deliberations, as well as of the many courtesies which they have received from him; they desire also to put on record the deep sense of gratitude which they feel for the generous hospitality which has been extended to them by the Government and people of the United Kingdom."*)

*) Die zahlreichen Anlagen sind hier fortgelassen. Red.

Verhandlungen über die Räumung von Shanghai 1902*).

Nr. 12721. GROSSBRITANNIEN. — Der Geschäftsträger in Peking an den Minister des Ausw. Die chinesische Regierung wünscht den Abzug der fremden Truppen aus Shanghai.

Peking, July 30, 1902. (July 30.)

(Telegraphic.) || His Majesty's Consul-General at Shanghae telegraphs that —

„The Taotai, at the instance of the Viceroy, is pressing for the evacuation of Shanghae by the foreign troops at the same time that Tien-tsin is handed back, everything being now peaceful in Shanghae and the neighbourhood. || „The Taotai stated that the Viceroy was well aware that, as I pointed out, the withdrawal of the British troops while other Powers retained theirs could not be agreed to by His Majesty's Government, and that he fully understood their attitude. || „The Taotai had not yet, he informed me, seen the French Consul-General, but had, after an interview with each of them, obtained the consent of the German and Japanese Consuls-General to telegraph to their Ministers."

Nr. 12722. GROSSBRITANNIEN. — Der Minister des Ausw. an die Vertreter in Paris, Berlin und Tokio. Teilt den chinesischen Wunsch mit.

Foreign Office, July 31, 1902.

(Telegraphic.) || An appeal has been made to us by the Chinese Government to withdraw our troops from Shanghae. || We have no objection, but we should be glad, before deciding, to learn views of French / Japanese / German Government. || We have given an answer in the above sense to the Chinese Government.

---

*) Blaubuch Cd. 1369. — Die eingeklammerten geben die Empfangsdaten.

Nr. 12723. GROSSBRITANNIEN. — Der Botschafter in Berlin an den Minister des Ausw. Die deutsche Regierung will sich mit den übrigen verständigen.

Berlin, August 1, 1902. (August 1.)

(Telegraphic.) || I communicated to Dr. von Mühlberg to-day the substance of your Lordship's telegram of yesterday. || His Excellency said that he had, as yet, received no communication from the Chinese Government respecting the withdrawal of the troops from Shanghae, and that, before expressing any opinion on the subject, he must consult the German Representative at Peking. The Imperial Government would, he added, certainly act in concert with the other Powers.

Nr. 12724. GROSSBRITANNIEN. — Der Botschafter in Tokio an den Minister des Ausw. Japan will in Übereinstimmung mit den übrigen Mächten handeln.

Tôkiô, August 1, 1902. (August 1.)

(Telegraphic.) || I inquired at the Japanese Foreign Office as to their view on the Chinese request for the withdrawal of troops from Shanghae in compliance with your Lordship's telegram of the 31st ultimo. || The Japanese Representative in London has just been instructed to make a similar inquiry of your Lordship. || The Japanese Government see no objection to withdrawal; they are even anxious that it should take place. || The assent of the Japanese Government to withdrawal would, of course, be conditional on a similar course being adopted by the other Powers.

Nr. 12725. GROSSBRITANNIEN. — Der Botschafter in Paris an den Minister des Ausw. Frankreich ist zur Räumung bereit, behält sich aber das Wiederbesetzungsrecht vor.

Paris, August 7, 1902. (August 7.)

(Telegraphic.) || Your Lordship's telegram of the 31st ultimo. || M. Delcassé thinks your Lordship will already have been informed by the French Ambassador that the same view is held by the French Government as to the withdrawal of the foreign troops as by His Majesty's Government. Of course, the French Government will not withdraw the French troops unless the same is done by the other Powers, and France will reserve the right, should any Power again send troops to Shanghae, to replace her own there.

Nr. 12726. **GROSSBRITANNIEN.** — Die Botschaft in Berlin an den Minister des Ausw. Die deutsche Regierung hat noch keinen festen Entschluß gefaßt.

Berlin, August 12, 1902. (August 12.)

(Telegraphic.) || With reference to Sir F. Lascelles' telegram of the 1st instant, I have the honour to inform your Lordship that I was to-day informed by Dr. von Mühlberg that I might inform you that, though the Imperial Government had as yet taken no definite decision, the German troops would certainly be withdrawn from Shanghae as soon as the withdrawal of those belonging to the other Powers had taken place.

Foreign Office, August 13, 1902.

(Telegraphic.) || Evacuation of Shanghae. With reference to my telegram of the 31st July, if all the other contingents are withdrawn, the French and Japanese Governments will withdraw theirs also. || The German Representative at Peking is being consulted before the German Government decide, but they state that they are willing to act in concert with other Powers.

Nr. 12727. **GROSSBRITANNIEN.** — Der Minister des Ausw. an den Botschafter in Berlin. Die deutsche Regierung fordert Verhandlungen über die gleichzeitige Räumung Shanghais.

Foreign Office, August 19, 1902.

Sir, || The German Ambassador told me to-day that the German Government were prepared to withdraw the German battalion now at Shanghae simultaneously with the withdrawal of the British, French, and Japanese troops also stationed at Shanghae. || He thought it desirable that the four Powers should communicate upon the subject, as our experience at Tien-tsin had shown that such withdrawals required a certain amount of previous arrangement. || I said that the case seemed to me to be a much simpler one than that which had arisen at Tien-tsin, but that I saw no difficulty in an exchange of views between the four Governments concerned as to the time and condition of the withdrawal.

Lansdowne.

Nr. 12728. GROSSBRITANNIEN. — Das Ausw. Amt an das Indische Amt. Wann können die Truppen frühstens zurückgezogen werden?

Foreign Office, August 20, 1902.

Sir, || His Majesty's Minister at Peking telegraphed on the 30th ultimo that the Viceroy at Nanking had requested the Acting British Consul-General at Shanghae to urge His Majesty's Government to withdraw the British troops from Shanghae, in conjunction with the French, German, and Japanese troops. || Sir E. Satow was informed, in reply, that His Majesty's Government would have no objection to this course, provided that other Powers took similar action. || An inquiry was, at the same time, addressed to the Governments concerned, and replies having been received to the effect that they were ready to agree to a joint withdrawal, His Majesty's Government intimated to the Chinese Government their willingness to propose a date on which evacuation should begin. || I am directed by the Marquess of Lansdowne to inquire what is the earliest date by which arrangements could be made for the withdrawal of the British force. He desires to have this information, in order that he may be in a position to make a definite proposal to the other Powers who have garrisons at Shanghae for the simultaneous evacuation of the port.

Francis Bertie.

Nr. 12729. GROSSBRITANNIEN. — Das Indische Amt an das Ausw. Amt. Antwort auf das Vorige*).

India Office, August 26, 1902. (August 26.)

Sir, || I am directed to acknowledge the receipt of your letter of the 20th August last, regarding the withdrawal of foreign troops from Shanghae, and, in reply, to inform you that the substance of that letter was communicated by telegraph to Major-General Creagh, who has replied in a telegram of which the following is a paraphrase: — || „118. Camp. Yours of the 23rd August. The earliest date by which I could arrange for withdrawal of British troops from Shanghae is the 7th October. Early orders are requested, as it will be necessary for hired transport ‚Uganda' to come back from India." || Lord George Hamilton will be glad to learn as early as possible what instructions Lord Lansdowne wishes to be sent to Major-General Creagh.

Horace Walpole.

*) Am 15. Sept. erklärt das Indische Amt den 1. November für einen passenden Termin. Red.

Nr. 12730. **GROSSBRITANNIEN.** — Der Minister des Ausw. an den Geschäftsträger in Peking. Der 1. Nov. soll als Räumungstermin vorgeschlagen werden.

Foreign Office, September 19, 1902.

(Telegraphic.) || With reference to my telegram of the 13th August: || We are proposing to the Governments of France, Japan, and Germany the 1st of November as the date for the simultaneous withdrawal from Shanghae of the foreign garrisons.*) || You should inform the Chinese Government of this, and instruct Mr. Mansfield to inform the Nanking Viceroy.

Nr. 12731. **GROSSBRITANNIEN.** — Der Botschafter in Tokio an den Minister des Ausw. Japan billigt den Räumungstermin.

Tôkiô, September 22, 1902. (September 22.)

(Telegraphic.) || With reference to your telegram of 19th September: Evacuation of Shanghae. || I have to state that the Japanese Government inform me that 1st November would suit them as the date of evacuation. They request that they may be informed whether that date is accepted by the French and German Governments.

Nr. 12732. **GROSSBRITANNIEN.** — Der Geschäftsträger in Peking an den Minister des Ausw. Antwort auf Nr. 12730.

Peking, October 1, 1902. (October 1.)

(Telegraphic.) || Evacuation of Shanghae. || Your telegram of 19th ultimo. || I have informed Chinese Government, who expressed their gratitude. They trust that His Majesty's Government will endeavour to induce the Governments of France, Germany, and Japan to withdraw their garrisons from Shanghae simultaneously on the 1st November.

Nr. 12733. **DEUTSCHES REICH.** — Die Botschaft in London an den engl. Minister des Ausw. Bedingungen, die die deutsche Regierung an die Räumung knüpft.

German Embassy, October 7, 1902. (October 8.)

(Translation.) || My Lord, || I have the honour to inform you, by order of my Government, that they are disposed to accede to the proposal

---

*) Der Vorschlag wird an demselben Tage an Deutschland, Frankreich und Japan mitgeteilt. Red.

recently made through Sir F. Lascelles in Berlin, that the 1st November should be fixed as the date of the evacuation of Shanghae, on the following understanding: — ‖ In the first place, the Imperial Government desire that a previous arrangement should be come to for the simultaneous and uniform evacuation; further, the Imperial Government would wish, in the case of any other Power proceeding in the future to a fresh occupation of Shanghae, to reserve to themselves the right of taking a similar step. But in order effectually to provide against the undesirable eventuality of the latter of these cases occurring, which eventuality the French Government have, according to official information, also contemplated, the Imperial Government wish to add the following express condition: The Peking Government and the Yang-tsze Viceroys shall engage not to grant to any Power special advantages of a political, military, maritime, or economic nature, nor to allow the occupation of any other points commanding the river either below or above Shanghae. ‖ By the expression „economic advantages“, the Imperial Government would not understand individual concessions, such, for example, as railway concessions. They have in mind only such grants as would entail the exclusion of free competition on the part of other States in a manner contrary to the principle of the „open door“. ‖ In no sense is all individual competition intended to be affected. This idea can be further developed in such a way as to prevent the possibility of any misunderstanding when the terms of the Agreement are drawn up. The Imperial Government are chiefly anxious to see that no State obtains from China, directly or indirectly, such compensation for the evacuation of Shanghae as will benefit that State alone. ‖ Provided that the fulfilment of the conditions indicated is by that time assured, the Imperial Government would have no objection to the 1st November next being the date for the evacuation of Shanghae.

H. Eckardstein.

Nr. 12734. **GROSSBRITANNIEN.** — Der Botschafter in Paris an den Minister des Ausw. Die franz. Regierung nimmt den 1. Nov. an.

Paris, October 8, 1902. (October 8.)

(Telegraphic.) ‖ M. Delcassé tells me that the French Government accept the date of the 1st November for the evacuation of Shanghae if all the other Powers interested do the same. ‖ His Excellency, however, went on to say that a proposal of the German Government, which will,

no doubt, have been communicated also to your Lordship, was laid before him yesterday by Prince Radolin, suggesting that stipulations should be made with China against any future foreign occupation of Shanghae. This, his Excellency thinks, may retard the date of evacuation.

Nr. 12735. **GROSSBRITANNIEN.** — Der Geschäftsträger in Peking an den Minister des Ausw. Instruktionen des deutschen und franz. Geschäftsträgers.

Peking, October 8, 1902. (October 8.)

(Telegraphic.) || The Chinese Government were officially informed by the German Chargé d'Affaires yesterday that the German Government were prepared to withdraw their troops from Shanghae on the 1st November if the other Powers did the same, reserving the right to reoccupy that place or any other on the Yang-tsze in case a similar step should be taken by other Powers. || French Chargé d'Affaires has received instructions to make a similar communication. || The Japanese Minister has not yet received instructions from his Government.

Nr. 12736. **GROSSBRITANNIEN.** — Der Botschafter in Tokio an den Minister des Ausw. Japan will sich mit Großbritannien über die deutschen Bedingungen verständigen.

Tôkiô, October 9, 1902. (October 9.)

(Telegraphic.) || I have sent the following telegram to Sir E. Satow: — || „Your telegram of the 8th October to Foreign Office. || „I learn from the Japanese Government that the German Minister communicated a Memorandum last Monday, stating that the German Government are ready to evacuate Shanghae on the two conditions put forward by the French Government. A third condition was, however, added to the effect that China was not to grant exclusive rights to any Power on either the Upper or Lower Yang-tsze. The Japanese Minister in London had been instructed by telegraph to ascertain whether this condition was acceptable to His Majesty's Government. No instructions will be sent to the Japanese Minister at Peking until an answer has been received from London."

Nr. 12737. GROSSBRITANNIEN. — Der Minister des Ausw. an den Geschäftsträger in Peking. Besprechung mit dem japanischen Botschafter über die deutschen Bedingungen.

Foreign Office, October 10, 1902.

(Telegraphic.) ‖ I have received Sir C. MacDonald's telegram of 9th October respecting the withdrawal of troops from Shanghae. ‖ The third condition proposed by German Government is to the following effect: — An engagement shall be given the Peking Government and Yang-tsze Viceroys not to grant to any Power special advantages of a political, military, maritime or economic nature, nor to allow the occupation of any other points commanding the river either below or above Shanghae. „Economic advantages" is not, it is explained, intended to apply to individual concessions, but only to grants by which free competition is excluded. ‖ I have told Japanese Minister that I see no objection to undertaking that evacuation should be simultaneous and uniform, nor any reason against each of the Powers making reservation as to reoccupation, and that I thought we might fall in with suggestion contained in passage of German note, which runs as follows: — ‖ The Imperial Government are chiefly anxious to see that no State obtains from China, directly or indirectly, such compensation for the evacuation of Shanghae as shall benefit that State alone. ‖ German Chargé d'Affaires here says that the Chinese Government have accepted the conditions suggested by the German Government.

Nr. 12738. GROSSBRITANNIEN. — Der Minister des Ausw. an die deutsche Botschaft. Bemerkungen zur dritten deutschen Bedingung*).

Foreign Office, October 11, 1902.

Sir, ‖ I have had the honour of receiving your note, dated the 7th instant, in which you were good enough to inform me that the German Government are disposed to accede to the proposal of His Majesty's Government that the foreign troops now stationed at Shanghae shall be withdrawn on the 1st of next month. ‖ With regard to the conditions upon which it is suggested that this evacuation might take place, I beg to offer the following observations: — ‖ His Majesty's Government concur with the German Government in desiring that arrangements should

*) Diese Note wurde am 12. dem Botschafter in Paris zur Mitteilung an die franz. Regierung übersandt.

be made providing for the simultaneous and uniform evacuation of Shanghae, and they also see no objection to the stipulation that, in case any Power should in future resort to a fresh occupation of Shanghae, the other Powers would have the right to take a similar step. || His Majesty's Government also concur with the German Government in their desire that none of the States concerned should be allowed to obtain from China, directly or indirectly, such compensation for the evacuation of Shanghae as would benefit that State alone. It seems to them that the best and simplest way of effecting this object would be that each of the four Powers should make a formal declaration that it has not obtained, and will not hereafter seek to obtain, any privilege or concession of any character whatever in consideration of the withdrawal of its troops from Shanghae. || Such a declaration would, they believe, be sufficient for the purpose which the German Government have in view; and His Majesty's Government do not consider that there is any necessity, or that it would be desirable at the present time, to seek to obtain from the Peking Government and the Yang-tsze Viceroys in connection with the evacuation of Shanghae a new engagement „not to grant to any Powers special advantages of a political, military, maritime, or economic nature, nor to allow the occupation of any other points commanding the river either below or above Shanghae". The explanation of these words contained in your letter renders it clear that the desire of the German Government is merely to maintain the principle of the „open door", a principle which continues to receive the adherence of His Majesty's Government. That principle is, however, they believe, sufficiently safeguarded by existing international Agreements, and His Majesty's Government strongly deprecate a proposal to modify these by an arrangement which would affect not only the economic, but also the political, military, and maritime conditions of the region concerned, and which would be binding only upon a limited number of Powers, and restricted in its operation to a portion only of the Chinese dominions.

Lansdowne.

Nr. 12739. **GROSSBRITANNIEN.** — Der Botschafter in Tokio an den Minister des Ausw. Japan ist einverstanden mit dem Vorigen.

Tôkiô, October 13, 1902. (October 13.)

(Telegraphic.) | Your telegram of the 10th instant to Sir E. Satow. || Foreign Minister has shown me full text of your Lordship's reply to

German Government respecting third condition. He begs me to say that Japanese Government are entirely in accord with the terms of the said reply. || He does not propose to send any instructions to Japanese Representative at Peking until he has received an expressed opinion from your Lordship, through Japanese Representative in London, with regard to the third condition. || He would like to know whether British Government propose to evacuate Shanghae on 1st November, notwithstanding acceptance by China of the third condition.

Nr. 12740. **GROSSBRITANNIEN.** — Der Geschäftsträger in Peking an den Minister des Ausw. Doppelspiel der chinesischen Regierung.

Peking, October 15, 1902. (October 15.)

(Telegraphic.) || Your telegram of 10th instant. || Prince Ching on 13th October denied to me that the German Chargé d'Affaires had said anything to him about conditions, and declared that he had merely stated the willingness of the German Government to evacuate simultaneously with the other Powers. The Wai-wu Pu repeated this denial on 14th October, but I have ascertained beyond reasonable doubt that the Chinese Government had given their consent to the German demands before Prince Ching's assurance to the contrary to me.

Nr. 12741. **GROSSBRITANNIEN.** — Der Minister des Ausw. an den Geschäftsträger in Peking. Dasselbe.

Foreign Office, October 16, 1902.

(Telegraphic.) || Evacuation of Shanghae. || Tell Prince Ching that His Majesty's Government deeply resent his treatment of them. Remind him that Chinese interests have constantly been upheld by them, and that the consent of Germany and France was due to our initiative. || His Majesty's Government are compelled by Prince Ching's duplicity to reconsider their attitude, and he will be responsible should withdrawal of troops consequently not take place. || You may communicate to him the substance of reply of His Majesty's Government to the German Government, and inform him that we shall not pay regard to any pledges given by the Chinese Government or Viceroys by which their and our freedom of action in the future as regards the maintenance of order and protection of our interests in the Yang-tsze region would be limited. || This telegram should be repeated to Sir C. MacDonald.

Nr. 12742. GROSSBRITANNIEN. — Der Geschäftsträger in Peking an den Minister des Ausw. Instruktionen an die Konsuln über die Räumungsfrage.

Peking, October 17, 1902. (October 17.)

(Telegraphic.) || I sent to-day the following telegram to Hankow and Nanking: — || „The Viceroy is being asked by German Government to engage not to grant to any Power special advantages of a political, maritime, military, or economic nature, nor to allow the occupation of any other points commanding the river either above or below Shanghae. One of the conditions on which they are willing to withdraw their troops from that port is that he should give this assurance. Strong objection is felt by His Majesty's Government to any such assurance being given because it would be binding only upon a limited number of Powers, and restricted in its operation to a portion only of the dominions of China. || „Add that no regard will be paid by His Majesty's Government to pledges given either by the Chinese Government or Viceroy, limiting their and our freedom of action in the future as regards maintenance of order and protection of our interests in the region of the Yang-tsze. || „You should yourself see the Viceroy."

Nr. 12743. GROSSBRITANNIEN. — Derselbe an Denselben. Unterredung mit Prinz Ching über die Räumung.

Peking, October 20, 1902. (October 20.)

(Telegraphic.) || I delivered a note to-day, in accordance with your telegram of 16th instant, to Prince Ching, with whom were two Vice-Ministers, and I added verbal explanations respecting the evacuation of Shanghae. || He volunteered, with regard to last paragraph of your telegram, the assurance that nothing written by him would be allowed to affect rights of Great Britain on the Yang-tsze River.

Nr. 12744. GROSSBRITANNIEN. — Der Minister des Ausw. an die Vertreter in Berlin, Paris, Tokio. Deutschland hat auf seine dritte Bedingung verzichtet.

Foreign Office, October 30, 1902.

(Telegraphic.) || The evacuation of Shanghae. || It is stated by the German Embassy that the German Government have dropped their third condition. They say that there is no further question between the

British and German Governments as regards third condition, as the German Government have received assurances with which they are satisfied from the Chinese Government.

Nr. 12745. **GROSSBRITANNIEN.** — Der Minister des Ausw. an den Botschafter in Berlin. Dasselbe.

Foreign Office, October 30, 1902.

(Extract.) || I received to-day a communication from the German Ambassador, to the effect that the German Government had dropped the third condition which they had attached to the evacuation of Shanghae, as they had received from the Chinese Government assurances with which they were satisfied. The third condition, therefore, was not necessary, and there was no further question about it.

Nr. 12746. **GROSSBRITANNIEN.** — Der Geschäftsträger in Peking an den Minister des Ausw. Antwort der chines. Regierung auf die deutsche Forderung.

Peking, October 31, 1902. (October 31.)

(Telegraphic.) || I have received the following telegram from His Majesty's Consul-General at Hankow: — || „The German Consul-General left last night, having received from the Viceroy a despatch to the following effect: — || „'The pledge proposed, if confined to the Yang-tsze region, is objectionable, as implying that outside of that region exclusive rights could be obtained by individual Powers: if applied to all the Chinese dominions it is superfluous, as China never willingly surrenders any of her rights as a sovereign independent State. It would be more to the point if Germany would induce the other Powers to make, with herself, such a self-denying Agreement for all Chinese dominions, and the Viceroy hopes that she will do so. As regards commercial and engineering contracts, China must be left free to make whatever Agreements she thinks are for her own interest, which alone governs her in such matters. || „'As the troops in Shanghae are now unnecessary, the Viceroy hopes that they will be withdrawn at once.'"

Nr. 12747. **DEUTSCHES REICH.** — Der Botschafter in London an den engl. Minister des Ausw. Die dritte Bedingung ist durch die chinesische Erklärung erfüllt.

German Embassy, London, November 1, 1902. (November 3.)

(Translation.) || My Lord, || The Imperial Government has perceived with satisfaction from your Excellency's communication of the 11th October

that the British Government is ready, in regard to the question of the evacuation of Shanghae, to adhere fully to the reservations which the Imperial Chargé d'Affaires had the honour to communicate in his note of the 7th ultimo — the simultaneous retirement of the troops and eventual reoccupation. The Imperial Government also observe with pleasure the agreement existing between them and the British Government in regard to the object of the third condition of evacuation put forward by the German Government, *i.e.*, refusal to grant preferential advantages in connection with evacuation. || Meanwhile, the Imperial Government have received, both from the Chinese Central Government and from Viceroy Chang Chih-tung and the Acting Viceroy at Nanking, the general declaration in binding terms demanded by them, that the Chinese Government will not part with any of China's sovereign rights, and that they will not agree to any preferential right which is opposed to the principle of the open door. || The third condition put forward by the Imperial Government as to evacuation is thus fulfilled, and there only remains, as far as Germany is concerned, the question of the fulfilment of the two other conditions, as to which there is already an understanding between the German and British Governments, viz., simultaneous retirement and the determination of the measures to be taken with that object in the immediate future. || The Imperial Government believe that in this way any divergence of views between the two Governments tending to prevent an early general evacuation of Shanghae has been removed.

P. Metternich.

Nr. 12748. **GROSSBRITANNIEN.** — Der Minister des Ausw. an die Botschaft in Berlin. Unterredung mit dem deutschen Botschafter.

Foreign Office, November 3, 1902.

Sir, || The German Ambassador asked me to receive him to-day, and said that he had come to tell me, with reference to the negotiation as to the evacuation of Shanghae, that the Chinese Government and the Viceroys had offered to the German Government assurances which seemed to them satisfactory in regard to the condition to which His Majesty's Government had taken exception, viz., that „the Peking Government and the Yang-tsze Viceroys should engage not to grant to any Power special advantages of a political, military, maritime, or economic nature, nor to allow the occupation of any other points commanding the river either

below or above Shanghae". The Chinese Government had also explained that they regarded these assurances as extending to the whole of China, and not as limited to any part of the Chinese dominions. In these circumstances, the German Government did not consider that there was any longer any question at issue between the German and British Governments, as they understood that the remaining conditions, specified in Baron Eckardstein's note of the 7th October, were acceptable to us. || His Excellency handed me a note, of which a translation is attached to this despatch [Nr. 12747], and made the following statement: — || The existing arrangements of an earlier date, especially the Anglo-German Treaty of October 1900, and the adherence of the Powers to the principle of the open door, arrived at at the suggestion of the United States, are not prejudiced in any way by such a declaration of China, which did not join those arrangements, and is not, accordingly, bound by them formally. || Those arrangements are, on the contrary, completed, and confirmed by the declaration. || I told his Excellency that I would lay his communication before the Cabinet which is to meet to-morrow, and that I would supply him with a written answer to his note. I added that, as the German Government had made this arrangement without our concurrence, we should no doubt decline to regard it as in any way restricting our liberty of action. || In reply to a question of mine, his Excellency said that he had not seen the precise terms of the Chinese assurance; he was, indeed, not sure whether the German Government were yet in possession of it, but in substance it amounted to this, that China had undertaken not to waive her sovereign or territorial rights in favour of any other Power, not only in the Yang-tsze Valley, but throughout the Empire. || I asked whether I was right in understanding that this pledge had no reference to the abandonment of such rights so far as it had already taken place?

Count Metternich replied in the affirmative Lansdowne.

Nr. 12749. **GROSSBRITANNIEN.** — Derselbe an Denselben. Dasselbe.

Foreign Office, November 5, 1902.

Sir, || The German Ambassador asked me to-day whether I was able to give him any idea of the manner in which His Majesty's Government considered the withdrawal of the international troops from Shanghae might proceed, so as to secure simultaneity of withdrawal. || I told his Excellency that I would let him know the date upon which we proposed

that the withdrawal of the British troops should take place. I thought there might be some difficulty in providing for absolutely simultaneous withdrawal on the part of all the Powers concerned, as the date would, in each case, have to depend on the possibility of obtaining the use of transports for the purpose. I added that I felt no doubt that we should all of us honourably carry out our obligation, and that it did not seem to me to matter much whether the whole of the troops left Shanghae exactly on the same day or not. Lansdowne.

Nr. 12750. **GROSSBRITANNIEN.** — Der Minister des Ausw. an den deutschen Botschafter in London. Bemerkung zu der chinesischen Erklärung an Deutschland.

Foreign Office, November 6, 1902.

(Extract.) || You were good enough to hand to me on the 3rd instant a note with regard to the evacuation of Shanghae, in which I was informed that „the Imperial Government had received, both from the Chinese Central Government and from Viceroy Chang Chihtung and the Acting Viceroy at Nanking, the general declaration in binding terms demanded by the German Government, viz., that the Chinese Government will not part with any of China's sovereign rights, and that they will not agree to any preferential right which is opposed to the principle of the open door". || This general declaration is regarded by the German Government as satisfying the third of the conditions enumerated in Baron Eckardstein's note to me of the 7th October, which condition ran as follows: — || „The Peking Government and the Yang-tsze Viceroys shall engage not to grant to any Power special advantages of a political, military, maritime, or economic nature, nor to allow the occupation of any other points commanding the river, either below or above Shanghae." || To that condition His Majesty's Government took exception, not, as you are aware, because they desired to recede from their adherence to the principle of the „open door", or because they are not most anxious to preserve the sovereign rights of China, but because they can see no reason why the withdrawal of their troops from Shanghae should be made the occasion for a fresh affirmation of those accepted principles, or for a renunciation which, if it had any new meaning at all, seemed specially directed against Great Britain. || I understood from your Excellency that the actual terms of the general declaration which has now been made by the Chinese Government are not yet in your possession, but I gather from the description given of it in your note that it has reference

not only to the Yang-tsze region, but to the whole of the Chinese Empire, with this limitation, that it would not extend to any alienation of sovereign or territorial rights by China which might already have taken place.

His Majesty's Government are not a party to this arrangement, and do not therefore consider themselves affected by it, and of this they have informed the Chinese Government. || To the remaining conditions enumerated by Baron Eckardstein His Majesty's Government have no objection, and they are prepared to place them on record on the occasion of the withdrawal of their troops from Shanghae.

Nr. 12751. **DEUTSCHES REICH.** — Der Botschafter in London an den engl. Minister des Ausw. Antwort auf das Vorige.

German Embassy, London, November 7, 1902. (November 7.)

(Translation.) || My Lord, || I had the honour to-day to receive your Excellency's note of the 6th instant, and shall not fail to make known its contents to my Government. || I would, however, at once venture to observe that the condition which was referred to in the note from this Embassy of the 7th ultimo, and to which objection is taken by the British Government, cannot be considered as specially directed against Great Britain. By a declaration that the Chinese Government will not cede any of the rights of sovereignty of China and will not sanction any monopoly in contradiction to the principle of the open door none of the participating Powers should be offended, as the latter have repeatedly positively declared that they would respect the sovereignty of China as well as the principle of the open door. That engagements which are given to us alone by China, and which, with the exception of China, are binding on no one, which interfere with the rights of no one, and only aim at maintaining the *status quo*, should be taken as containing a provision directed against Great Britain must be the result of a misapprehension. || As the Imperial Government merely took part in the occupation of Shanghae because the serious crisis which prevailed in the interior of China two years ago might have brought about a change in the *status quo* in the Yang-tsze territory, it appeared only logical to require guarantees from China as a preliminary to the evacuation of Shanghae, which guarantees, on the re-establishment of peace, would take the place of the actual guarantees given by the occupation of Shanghae.

P. Metternich.

Nr. 12752. GROSSBRITANNIEN. — Der Botschafter in Tokio an den Minister des Ausw. Japans Vorbehalt bei der Räumung.

Tôkiô, November 15, 1902. (November 15.)

(Telegraphic.) ‖ I have been informed by the Japanese Government that they are now making preparations for withdrawing their troops from Shanghae. They will evacuate that place about the 22nd instant. | The Japanese Government have to-day sent the following telegram to the Japanese Minister at Peking: — ‖ „You will inform Chinese Government that, in view of the unanimity expressed by the Powers concerned of their intention that their respective troops shall evacuate Shanghae immediately upon the completion of necessary preparations therefor, steps will be taken by the Imperial Government to withdraw shortly Japanese troops now stationed at that port. ‖ „You will further state that, in coming to the decision, Japanese Government reserve the right to redispatch their forces to Shanghae in such strength as they may deem proper in the event of any other Power landing its forces afresh at that port for any cause whatever; and that they declare at the same time that they would recognize as in no way affecting them any arrangement which the Chinese Government might have made with any of the Powers concerned in connection with evacuation of Shanghae, and to which Japan was not a party."

Nr. 12753. GROSSBRITANNIEN. — Der Minister des Ausw. an den Botschafter in Tokio. Stimmt dem Vorigen zu.

Foreign Office, November 16, 1902.

(Telegraphic.) ‖ Evacuation of Shanghae. ‖ With reference to your telegram of the 15th ultimo, I have to request that you will thank the Japanese Minister for Foreign Affairs for informing His Majesty's Government of the instructions sent by the Japanese Government to their Representative at Peking to make a communication to the Chinese Government. His Majesty's Government regard the communication as quite satisfactory. Arrangements are being made by them for the withdrawal of the British force from Shanghae as soon as may be possible. ‖ Japanese Government will be informed when the intended date for evacuation is fixed.

Bündnisse, Verträge, Konventionen, Protokolle u. s. w.

Nr. 12754. GROSSBRITANNIEN und FRANKREICH. — Erklärung über die Unabhängigkeit der Sandwichs-Inseln.

London, 28. Nov. 1843.

Sa Majesté la Reine du Royaume-Uni de la Grande-Bretagne et d'Irlande, et Sa Majesté le Roi des Français, prenant en considération l'existence dans les Iles Sandwich d'un Gouvernement capable de pourvoir à la régularité de leurs rapports avec les nations étrangères, ont cru devoir s'engager réciproquement à considérer les Iles Sandwich comme un État Indépendant, et à ne jamais prendre possession, ni directement ni à titre de Protectorat, ni sous aucune autre forme, d'aucune partie des territoires dont il se compose. || Les Soussignés, Principal Secrétaire d'État pour les Affaires Étrangères de Sa Majesté Britannique, et Ambassadeur Extraordinaire de Sa Majesté le Roi des Français près la Cour de Londres, munis des pouvoirs nécessaires, déclarent en conséquence, par les présentes, que leurs dites Majestés prennent réciproquement cet engagement. || En foi de quoi les Soussignés ont signé la présente Déclaration, et y ont fait apposer le sceau de leurs armes. || Fait en double à Londres, le 28 Novembre de l'an de grâce 1843.

(L. S.) St. Aulaire
(L. S.) Aberdeen.

Nr. 12755. GROSSBRITANNIEN und CHINA. — Vertrag über die Insel Chusan.

Bocca Tigris, 4. April 1846.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of China, having, with a view to the settlement of all questions between the two countries, and for the preservation of mutual harmony and good understanding, appointed as their Plenipotentiaries, that is to say: — || Her Majesty the Queen of Great Britain and Ireland, Sir John Francis Davis, a Baronet of the

United Kingdom, Governor and Commander-in-chief of Her Majesty's Colony of Hong Kong, &c.; and || His Majesty the Emperor of China, the High Commissioner Keying, a Member of the Imperial House, a Cabinet Councillor, a Guardian of the Crown Prince, and Governor-General of the Two Kwang Provinces. || The said Plenipotentiaries respectively have, in pursuance of the abovementioned ends, and after communicating to each other their respective full powers, and finding them to be in good and due form, agreed upon and concluded the following Articles: —

Article I.

His Majesty the Emperor of China having, on his own part, distinctly stated that when in the course of time mutual tranquillity shall have been insured, it will be safe and right to admit foreigners into the city of Canton, and the local authorities being for the present unable to coerce the people of that city, the Plenipotentiaries on either side mutually agree that the execution of the above measure shall be postponed to a more favourable period; but the claim of right is by no means yielded or abandoned on the part of Her Britannic Majesty.

Article II.

British subjects shall in the meanwhile enjoy full liberty and protection in the neighbourhood on the outside of the city of Canton, within certain limits fixed according to previous Treaty, comprising seventy localities, of which the names were communicated by the District Magistrates to the British Consul on the 21st November, 1845. They may likewise make excursions on the two sides of the river where there are not numerous villages.

Article III.

It is stipulated on the part of His Majesty the Emperor of China that on the evacuation of Chusan by Her Britannic Majesty's forces the said island shall never be ceded to any other foreign Power.

Article IV.

Her Britannic Majesty consents upon her part, in case of the attack of an invader, to protect Chusan and its dependencies, and to restore it to the possession of China, as of old; but as this stipulation proceeds from the friendly alliance between the two nations, no pecuniary subsidies are to be due from China on this account.

Article V.

Upon the receipt of the sign-manual of His Majesty the Emperor of China to these presents, it is agreed, on account of the distance which separates the two countries, that the Island of Chusan shall be immediately delivered over to the Chinese authorities; and on the ratification of the present Convention by Her Britannic Majesty, it shall be mutually binding on the High Contracting Powers. || Done at Bocca Tigris, and signed and sealed by the Plenipotentiaries this 4th day of April, 1846, corresponding with the Chinese date, Taoukwang, 26th year, third moon, ninth day.

Nr. 12756. GROSSBRITANNIEN und FRANKREICH. — Erklärung über die Unabhängigkeit der Sultane von Muskat und Sansibar.

Paris, 10. März 1862.

Sa Majesté la Reine du Royaume-Uni de la Grande-Bretagne et d'Irlande et Sa Majesté l'Empereur des Français, prenant en considération l'importance qui s'attache au maintien de l'indépendance du Sultan de Mascate d'une part, et du Sultan de Zanzibar de l'autre, ont jugé convenable de s'engager réciproquement à respecter l'indépendance de ces deux Princes. || Les Soussignés, Ambassadeur Extraordinaire et Plénipotentiaire de Sa Majesté Britannique près la Cour de France, et Ministre des Affaires Étrangères de Sa Majesté l'Empereur des Français, étant munis de pouvoirs à cet effet, déclarent, en conséquence, par le présent Acte, que leurs dites Majestés prennent réciproquement l'engagement indiqué ci-dessus. || En foi de quoi, les Soussignés ont signé en double la présente Déclaration et y ont apposé le cachet de leurs armes.

Fait à Paris, le 10 Mars, 1862.

(L. S.) Cowley.
(L. S.) E. Thouvenel.

Nr. 12757. DEUTSCHES REICH und LUXEMBURG. — Vertrag über den Betrieb der Wilhelm-Luxemburg-Eisenbahnen.

Berlin, 11. Nov. 1902.

Seine Majestät der Deutsche Kaiser, König von Preußen, im Namen des Deutschen Reichs, und Seine Königliche Hoheit der Großherzog von Luxemburg, von dem Wunsche geleitet, durch eine neue Vereinbarung den Betrieb der Wilhelm-Luxemburg-Eisenbahnen über den 31. Dezember 1912 hinaus sicher zu stellen, haben zu Bevollmächtigten ernannt: ||

Seine Majestät der Deutsche Kaiser, König von Preußen: || Allerhöchstihren Wirklichen Geheimen Rat, Staatssekretär des Auswärtigen Amtes, Dr. Oswald Freiherrn von Richthofen, || und || Seine Königliche Hoheit der Großherzog von Luxemburg: || Allerhöchstihren Kammerherrn, Sekretär in Staatsangelegenheiten und Geschäftsträger bei Seiner Majestät dem Deutschen Kaiser, König von Preußen, Grafen Hippolyt von Villers, welche, nachdem die beiderseitigen Vollmachten in guter und gehöriger Form befunden worden sind, folgenden Vertrag geschlossen haben:

Artikel 1.

Die Großherzoglich luxemburgische Regierung erteilt zu dem zwischen der Kaiserlichen Generaldirektion der Eisenbahnen in Elsaß-Lothringen und der anonymen Königlich Großherzoglichen Wilhelm-Luxemburg-Eisenbahn-Gesellschaft unter dem 16. Juli 1902 zu Luxemburg abgeschlossenen, im Abdrucke beiliegenden Vertrag insoweit ihre Genehmigung, als dieselbe durch Artikel 24 des für die genannte Eisenbahngesellschaft geltenden Lastenhefts (cahier des charges) vom 9. November 1855 und durch Artikel 1 des Großherzoglich luxemburgischen Gesetzes vom 3. September 1879 erfordert wird. Demgemäß willigt sie darein, daß die den Gegenstand des Vertrags bildenden Eisenbahnstrecken, soweit sie im Gebiete des Großherzogtums Luxemburg liegen, bis zum Ablauf der Konzessionsdauer, d. i. bis zum 31. Dezember 1959, von der Kaiserlichen Generaldirektion der Eisenbahnen in Elsaß-Lothringen zu Straßburg i. E. verwaltet und betrieben werden. Deutscherseits bleibt vorbehalten, an die Stelle dieser Generaldirektion eine andere deutsche Reichs- oder Staatsbehörde treten zu lassen. || Die Rechte und Pflichten der Kaiserlichen Generaldirektion bestimmen sich nach den für die einzelnen Strecken maßgebenden Konzessionsurkunden und Konzessionsbedingungen (Lastenhefte, cahiers des charges), nach den über dieselben abgeschlossenen, noch in Kraft befindlichen Verträgen und Vereinbarungen sowie nach den im Großherzogtum geltenden, durch das Memorial verkündeten Gesetzen und Verordnungen, insofern nicht durch den gegenwärtigen Vertrag eine Abänderung oder Ergänzung jener Festsetzungen vereinbart ist. Es versteht sich hierbei von selbst, daß die Lage der Kaiserlichen Generaldirektion als Betriebsunternehmerin der fraglichen Eisenbahnstrecken nicht durch im Großherzogtum ergehende Sondergesetze oder Sonderverordnungen verschlechtert werden darf.

Artikel 2.

Die Kaiserliche Regierung verpflichtet sich, die von der Generaldirektion der Eisenbahnen in Elsaß-Lothringen betriebenen luxemburgischen

Eisenbahnstrecken zu keiner Zeit zur Beförderung von Truppen, Waffen, Kriegsmaterial und Munition zu benutzen und während eines Krieges, an welchem Deutschland beteiligt sein sollte, sich derselben für die Verproviantierung der Truppen auf keine die Neutralität des Großherzogtums verletzende Weise zu bedienen sowie überhaupt in deren Betrieb Handlungen, welche den dem Großherzogtum als neutralem Staat obliegenden Verpflichtungen nicht vollkommen entsprechen, weder vorzunehmen, noch zuzulassen. || Deutscherseits wird ferner die Verpflichtung übernommen, zu jeder Zeit für ein dem regelmäßigen Verkehrsbedürfnis entsprechendes Betriebsmaterial Sorge zu tragen.

Artikel 3.

Die Kaiserliche Generaldirektion der Eisenbahnen in Elsaß-Lothringen nimmt bezüglich der von ihr geführten Verwaltung luxemburgischer Eisenbahnstrecken Domizil in Luxemburg. Wegen aller Ansprüche, welche gegen sie aus Anlaß des Betriebs dieser Strecken geltend gemacht werden, ist sie bei den luxemburgischen Gerichten Recht zu nehmen verbunden. Rechtskräftige gerichtliche Entscheidungen sollen gegen das zur Vertretung der Generaldirektion bestellte Organ verbindlich und vollstreckbar sein.

Artikel 4.

Der Betrieb der luxemburgischen Eisenbahnstrecken untersteht einer besonderen Verwaltung nach Maßgabe der nachfolgenden Bestimmungen. || Die Kaiserliche Generaldirektion bestellt in Luxemburg für die besondere Leitung des Betriebs einen Beamten, welcher sie zugleich der Großherzoglichen Regierung und dem Publikum gegenüber in allen den Betrieb der Bahnen betreffenden Angelegenheiten zu vertreten befugt und verpflichtet ist. Der Großherzoglichen Regierung wird von der Person dieses Beamten vor der Ernennung desselben Mitteilung gemacht. || Die Großherzogliche Regierung wird den Verkehr zwischen ihr und der Betriebsverwaltung sowie die ihr zustehenden Hoheits- und Aufsichtsrechte durch einen Kommissar wahrnehmen lassen, welcher die Beziehungen zu seiner Regierung in allen Fällen zu vermitteln hat, die nicht zum direkten Einschreiten der nach den Landesgesetzen zuständigen Polizei- oder Gerichtsbehörden geeignet sind. Er wird seine Wahrnehmungen über etwaige Mängel in der Handhabung des Betriebs zur Kenntnis der Generaldirektion bringen. || Die Großherzogliche Regierung wird einen aus fünf Mitgliedern bestehenden Eisenbahnrat zur Mitwirkung in Eisenbahnfragen bestellen und der Kaiserlichen Regierung bezeichnen, welcher auf Einladung der Großherzoglichen Regierung oder der Kaiserlichen General-

direktion zusammentritt. Sowohl die luxemburgische Regierung, als auch die Kaiserliche Generaldirektion können sich durch Delegierte bei den Sitzungen vertreten lassen. ‖ Der Eisenbahnrat ist von der Kaiserlichen Generaldirektion in allen die Verkehrsinteressen des Staates berührenden wichtigen Fragen zu hören. Namentlich gilt dies von wichtigeren Maßregeln bei Feststellung oder Abänderung der Fahrpläne und Tarife, Anlegung von Haltestellen oder Umänderung von Haltestellen in Bahnhöfe mit vollem oder teilweisem Betriebe. Auch kann der Eisenbahnrat in Angelegenheiten der vorbezeichneten Art selbständige Anträge durch Vermittelung der luxemburgischen Regierung an die Kaiserliche Generaldirektion richten und von dieser Auskunft verlangen. Werden durch die Kaiserliche Generaldirektion wegen Gefahr im Verzuge und ohne vorherige Anhörung des Eisenbahnrats Maßregeln wichtiger Art getroffen, so wird diesem bei dem nächsten Zusammentritt Mitteilung davon gemacht. ‖ Der Vorsitz und der Geschäftsgang des Eisenbahnrats wird in einem durch die Großherzogliche Regierung nach Anhörung der Kaiserlichen Generaldirektion zu erlassenden Regulativ näher bestimmt. ‖ Erachtet der Eisenbahnrat Vorerhebungen für erforderlich, so erfolgen dieselben durch die luxemburgische Regierung beziehungsweise durch die Kaiserliche Generaldirektion.

Artikel 5.

Die Kaiserliche Generaldirektion wird bei dem Betriebe der luxemburgischen Eisenbahnstrecken luxemburgische Staatsangehörige, sofern sie den Anforderungen entsprechen, vorzugsweise beschäftigen und anstellen. ‖ Deutsche, welche bei der Verwaltung der Eisenbahnen in Luxemburg angestellt oder beschäftigt werden, verlieren dadurch nicht ihre Reichsbeziehungsweise Staatsangehörigkeit; ebensowenig gehen luxemburgische Staatsangehörige, welche beim Betriebe der deutschen Reichseisenbahnen angestellt oder beschäftigt werden, ihrer Staatsangehörigkeit verlustig. ‖ Die sämtlichen Beamten der unter der Leitung der Generaldirektion stehenden Eisenbahnen sind ohne Unterschied des Ortes ihrer Anstellung rücksichtlich der Disziplin ausschließlich den vorgesetzten Eisenbahndisziplinarbehörden und den betreffenden Disziplinarvorschriften, im übrigen aber den Gesetzen und Behörden des Landes unterworfen, in welchem sie ihren Wohnsitz haben, beziehungsweise Handlungen vornehmen. ‖ Wird die Verhaftung eines im Gebiete des Großherzogtums Luxemburg bei den im Artikel 1 bezeichneten Eisenbahnstrecken angestellten Bediensteten wegen Verbrechen, Vergehen oder Übertretungen von luxemburgischen Behörden verfügt, so werden die letzteren auf die Erfordernisse des Eisenbahndienstes Rücksicht nehmen und, soweit es nach den Umständen irgend

tunlich ist, die nächstvorgesetzte Eisenbahnbehörde so zeitig von der beabsichtigten Verhaftung in Kenntnis setzen, daß der etwa nötige Stellvertreter noch rechtzeitig in den Dienst eingewiesen werden kann.

Artikel 6.

Die Dienstkleidung der im Großherzogtum Luxemburg stationierten Beamten wird mit Ausnahme der Vorstöße und der Nationalkokarde die der Beamten der Kaiserlichen Generaldirektion sein.

Artikel 7.

Die Vorschriften und Tarife für den Personen-, Gepäck-, Güter- und Viehverkehr auf den Eisenbahnen im Großherzogtum Luxemburg werden fortdauernd in Übereinstimmung gehalten werden mit den jeweilig auf den Eisenbahnen in Elsaß-Lothringen in Geltung stehenden Vorschriften (Verkehrsordnung) und Tarifen. || Die Kaiserliche Generaldirektion der Eisenbahnen wird die für den durchgehenden Verkehr und zur Herstellung ineinandergreifender Fahrpläne nötigen Personen- und Schnellzüge sowie die zur Bewältigung des Güterverkehrs nötigen Güterzüge einführen, auch direkte Abfertigungen im Personen- und Güterverkehr unter Gestattung des Übergangs der Transportmittel von einer Bahn auf die andere gegen die übliche Vergütung einrichten und es unausgesetzt ihre Sorge sein lassen, den Verkehr auf den Wilhelm-Luxemburg-Eisenbahnen zu heben und zu beleben. || Für die Zulassung und den Betrieb von Anschlußgeleisen sollen die Normen maßgebend sein, die in Artikel 25, Absatz 5 u. s. w., des für die Prinz-Heinrich-Eisenbahnen geltenden Lastenheftes (cahier des charges) vom $\frac{\text{14. Dezember 1868}}{\text{27. Februar 1869}}$ vorgesehen sind.

Artikel 8.

Die Kessel und maschinellen Anlagen der Eisenbahnwerkstätten sowie die Eisenbahnbetriebsmittel werden, wenn sie von deutschen Behörden geprüft sind, in Luxemburg zugelassen, ohne daß eine weitere Revision durch luxemburgische Behörden zu erfolgen hat.

Artikel 9.

Die von der luxemburgischen Regierung der anonymen Königlich Großherzoglichen Wilhelm-Luxemburg-Eisenbahn-Gesellschaft gewährte Staatssubvention von acht Millionen Franken wird der luxemburgischen Regierung deutscherseits im Gegenwerte von sechs Millionen vierhunderttausend Mark bis zum Ablauf des Jahres 1918 erstattet werden. Die Zahlung wird, beginnend mit dem 1. Juli 1903, in sechszehn, jedesmal am

1. Juli zu entrichtenden Jahresraten von je vierhunderttausend Mark erfolgen. ‖ Vom 1. Januar 1919 ab wird deutscherseits der luxemburgischen Regierung an Stelle einer Beteiligung an den Erträgnissen der im Artikel 1 bezeichneten, auf luxemburgischem Gebiet belegenen Eisenbahnstrecken alljährlich bis zum Ablauf des Jahres 1959 ein Betrag von zweihunderttausend Mark gewährt werden, der am 31. Dezember jeden Jahres fällig und zahlbar sein soll.

Artikel 10.

Die Großherzogliche Regierung wird während der Dauer des gegenwärtigen Vertrags ohne Zustimmung der Kaiserlichen Regierung auf den im Artikel 1 bezeichneten, auf luxemburgischem Gebiet belegenen Eisenbahnstrecken keinen anderen Betriebsunternehmer an Stelle der Kaiserlichen Generaldirektion zulassen, sofern eine solche Zulassung nach den Konzessionsbedingungen und den geltenden Gesetzen versagt werden kann. ‖ Die Kaiserliche Regierung wird die Großherzogliche Regierung gegen Ansprüche Dritter auf den Betrieb der genannten Eisenbahnstrecken vertreten. Von der Erhebung solcher Ansprüche ist ihr unverzüglich Mitteilung zu machen. ‖ Falls später die Konzessionierung einer Schienenverbindung zwischen dem luxemburgischen Erzrevier und der kanalisierten Mosel in Frage kommen sollte, wird die Großherzogliche Regierung etwaige auf die Erteilung dieser Konzession gerichtete Anträge der deutschen Verwaltung vorzugsweise berücksichtigen.

Artikel 11.

Beide vertragschließende Teile werden von dem ihnen zustehenden Rechte zur Kündigung des Vertrags vom 20./25. Oktober 1865, betreffend die Fortdauer des Anschlusses des Großherzogtums Luxemburg an das Zollsystem Preußens und der übrigen Staaten des Zollvereins, nicht derart Gebrauch machen, daß dieser Vertrag während der Dauer des gegenwärtigen Vertrags außer Kraft tritt.

Artikel 12.

Der gegenwärtige Vertrag soll ratifiziert und die Ratifikationen sollen sobald als möglich ausgetauscht werden. Er tritt mit dem Zeitpunkt des Austausches der Ratifikationen an die Stelle der die Übernahme des Betriebs der Wilhelm-Luxemburg-Eisenbahnen durch die Kaiserlich deutsche Eisenbahnverwaltung betreffenden Übereinkunft vom 11. Juni 1872.

Zu Urkund dessen haben die beiderseitigen Bevollmächtigten den gegenwärtigen Vertrag vollzogen und mit ihren Siegeln versehen.

Geschehen zu Berlin, den 11. November 1902.

(L. S.) Freiherr von Richthofen. (L. S.) Graf von Villers.

Anlage.

Zwischen der Kaiserlichen Generaldirektion der Eisenbahnen in Elsaß-Lothringen zu Straßburg, vertreten durch ihren Präsidenten, Wirklichen Geheimen Ober-Regierungsrat Herrn Wackerzapp, einerseits, und der anonymen Königlich Großherzoglichen Wilhelm-Luxemburg-Eisenbahn-Gesellschaft mit dem Sitze zu Luxemburg, vertreten durch die Herren Tony Dutreux, Vizepräsident des Verwaltungsrats, und Raphael Georges Lévy, delegierten Administrator, auf Grund einer Vollmacht des Verwaltungsrats vom 9. Juli 1902, andererseits, ist folgender Vertrag geschlossen worden:

§. 1.

Gegenstand des Vertrags ist die Anpachtung || a) der im Großherzogtume Luxemburg belegenen älteren Linien der Wilhelm-Luxemburg-Eisenbahn-Gesellschaft, sowie der Anschlußbahnen im Düderlinger und Rümelinger Tale, ausschließlich der Linie von Ulflingen nach der preußischen Grenze, und || b) der Eisenbahn von Esch nach Deutsch-Oth und Redingen.

§. 2.

Das Pachtverhältnis beginnt mit dem 1. Januar 1903 und endigt mit dem Erlöschen der der Wilhelm-Luxemburg-Eisenbahn-Gesellschaft für ihre Bahnunternehmen erteilten Konzessionen, das ist mit Ablauf des Jahres 1959.

§. 3.

Während der Dauer des Vertrags führt die Kaiserliche Generaldirektion den Betrieb der angepachteten Linien selbständig und für eigene Rechnung. Die Kaiserliche Generaldirektion ist berechtigt, die Führung des Betriebs auch auf einen anderen Unternehmer zu übertragen, bleibt jedoch in diesem Falle der Wilhelm-Luxemburg-Eisenbahn-Gesellschaft gegenüber für alle in diesem Vertrag übernommenen Verpflichtungen verhaftet.

§. 4.

Die ordnungsmäßige Unterhaltung der angepachteten Linien sowie die Ausführung aller erforderlich werdenden Ergänzungs- und Erweiterungsanlagen obliegen während der Dauer dieses Vertrags der Kaiserlichen Generaldirektion. || Die Wilhelm-Luxemburg-Eisenbahn-Gesellschaft ist nicht gehalten, ihrerseits Ausgaben irgend welcher Art für die Unterhaltung, Ergänzung und Erweiterung der Anlagen zu bestreiten oder sonstige Ausgaben irgend welcher Art zu übernehmen. || Beim Ablaufe des Vertrags gehen die angepachteten Linien in dem Zustand, in dem sie

sich befinden, in den Besitz und Genuß desjenigen Staates über, der sie konzessioniert hat.

§. 5.

An Pachtzins zahlt die Kaiserliche Generaldirektion vom 1. Januar 1903 ab den Betrag von jährlich 3 866 400 Frs., geschrieben: drei Millionen achthundert sechs und sechzigtausend vierhundert Franken. || Die Zahlung wird für jedes abgelaufene Vierteljahr innerhalb der drei ersten Tage des folgenden Vierteljahrs in effektiven Goldfranken, je nach der Wahl der Wilhelm-Luxemburg-Eisenbahn-Gesellschaft in Luxemburg oder in Paris, geleistet werden.

§. 6.

Die Kaiserliche Generaldirektion übernimmt zu ihren Lasten alle Ansprüche, welche die Großherzoglich Luxemburgische Regierung auf Grund der Konzessionen und der Verträge — insbesondere auf Grund der zum Bau der Pachtlinien geleisteten Subventionen — gegen die Wilhelm-Luxemburg-Eisenbahn-Gesellschaft erheben könnte. || Andererseits gehen sämtliche Rechte, die der Wilhelm-Luxemburg-Eisenbahn-Gesellschaft auf Grund dieser Konzessionen und Verträge gegen die Großherzoglich Luxemburgische Regierung zustehen, auf die Kaiserliche Generaldirektion über.

§. 7.

Die Wilhelm-Luxemburg-Eisenbahn-Gesellschaft verpflichtet sich, während der Dauer dieses Vertrags ohne ausdrückliche Genehmigung der Kaiserlichen Generaldirektion keine neuen Eisenbahnkonzessionen innerhalb des Großherzogtums Luxemburg zu erwerben.

§. 8.

Die Wilhelm-Luxemburg-Eisenbahn-Gesellschaft hat bislang zu dem Eintritte der Kaiserlichen Generaldirektion in den von ihr mit der französischen Ostbahn abgeschlossenen Vertrag vom 21. Januar 1868 ihre förmliche Zustimmung noch nicht gegeben. Diese Zustimmung wird von ihr durch den gegenwärtigen Vertrag vorbehaltlos erteilt. Ferner erklärt die Wilhelm-Luxemburg-Eisenbahn-Gesellschaft bezüglich der Rechtsgültigkeit des Vertrags vom 15./19. September 1899, betreffend die Anpachtung der Eisenbahn von Esch nach Deutsch-Oth und Redingen, Einwendungen nicht zu erheben.

§. 9.

Die Gültigkeit des gegenwärtigen Vertrags ist dadurch bedingt, daß bis zum 1. Juli 1903 zwischen dem Deutschen Reiche und dem Großherzogtume Luxemburg ein Staatsvertrag zu stande kommt, kraft dessen

die Luxemburgische Regierung darin einwilligt, daß der Betrieb der auf ihrem Gebiete belegenen Linien von der Kaiserlichen Generaldirektion bis zum 31. Dezember 1959 geführt werde. || Gelangt dieser Staatsvertrag erst nach dem 1. Januar, aber bis zum 1. Juli 1903 zum Abschlusse, so wird gegenwärtiger Vertrag rückwirkend vom 1. Januar 1903 ab gültig.

§ 10.

Durch diesen Vertrag werden diejenigen Rechtsverhältnisse, welche zwischen den Parteien hinsichtlich der im Königreiche Belgien belegenen Linien der Wilhelm-Luxemburg-Eisenbahn-Gesellschaft bestehen, nicht berührt. || Die Kaiserliche Generaldirektion gewährleistet, so lange der Belgische Staat von dem ihm zustehenden Rückkaufsrechte keinen Gebrauch macht, bis zum Ablaufe des Jahres 1912 der Wilhelm-Luxemburg-Eisenbahn-Gesellschaft ein Pachterträgnis von jährlich 219 600 Frs., geschrieben: zweihundertneunzehntausend sechshundert Franken, aus diesen Linien. Sollten aus dieser Gewährleistung in der Folge Zahlungen seitens der Kaiserlichen Generaldirektion an die Wilhelm-Luxemburg-Eisenbahn-Gesellschaft zu machen sein, so finden auf dieselben die Bestimmungen des § 5 Abs. 2 dieses Vertrags Anwendung. || In dem Falle, daß der Belgische Staat von seinem Rückkaufsrechte Gebrauch machen sollte, ist die Wilhelm-Luxemburg-Eisenbahn-Gesellschaft ausschließlich befugt, auf ihre Kosten und Gefahr über die Rückkaufsbedingungen zu verhandeln; auch fließt ihr der volle Rückkaufspreis zu.

§ 11.

Mit dem Inkrafttreten dieses Vertrags treten außer Wirksamkeit: a) der zwischen der Wilhelm-Luxemburg-Eisenbahn-Gesellschaft und der Gesellschaft der französischen Ostbahnen geschlossene Betriebsvertrag vom 21. Januar 1868, soweit er sich auf die im Großherzogtume Luxemburg belegenen Linien der Wilhelm-Luxemburg-Eisenbahn-Gesellschaft bezieht; b) der Vertrag vom 22./24. Oktober 1882, betreffend die Anpachtung der Anschlußbahnen im Düdelinger und Rümelinger Tale, nebst Nachträgen; c) der Vertrag vom 15./19. September 1899, betreffend die Anpachtung der Eisenbahn von Esch nach Deutsch-Oth und Redingen.

§ 12.

Zu diesem Vertrage wird seitens des Präsidenten der Kaiserlichen Generaldirektion die Genehmigung des Herrn Chefs des Reichsamts für die Verwaltung der Reichseisenbahnen, und seitens der Herren Tony Dutreux und Raphael Georges Lévy die Genehmigung der Generalver-

sammlung der Aktionäre der Wilhelm-Luxemburg-Eisenbahn-Gesellschaft vorbehalten.

§ 13.

Die Kosten der Stempelung dieses Vertrags werden von beiden Teilen je zur Hälfte getragen. || Dasselbe gilt für die Kosten der Einregistrierung, falls letztere in der Folge notwendig werden sollte.

§ 14.

Dieser Vertrag ist in deutscher und französischer Sprache aufgestellt Sollten sich über seine Auslegung Meinungsverschiedenheiten ergeben, so ist die deutsche Fassung maßgebend.

In doppelter Ausfertigung aufgenommen zu Luxemburg, den sechzehnten Juli eintausend neunhundert und zwei.

(Siegel.) gez. Wackerzapp.

Schlußprotokoll.

Bei der heute erfolgten Unterzeichnung des Vertrags zwischen dem Deutschen Reiche und Luxemburg über den Betrieb der Wilhelm-Luxemburg-Eisenbahnen haben die Bevollmächtigten der beiden vertragschließenden Teile folgendes erklärt:

I. Zu Artikel 1 des Vertrags.

Die besonderen Vereinbarungen, welche hinsichtlich der Eisenbahnlinie von Ulflingen nach der deutschen Grenze in der Richtung auf St. Vith bestehen, werden durch den gegenwärtigen Vertrag nicht berührt.

II. Zu Artikel 2 des Vertrags.

Es besteht Einverständnis, daß die Worte „zu jeder Zeit" auch auf den Fall einer im Deutschen Reiche erfolgenden Mobilmachung zu beziehen sind. || Auf Verlangen der luxemburgischen Regierung wird von fünf zu fünf Jahren ziffermäßig eine entsprechende Zahl von Lokomotiven, Personen-, Gepäck- und Güterwagen festgestellt, welche zum Betriebe der luxemburgischen Eisenbahnstrecken verfügbar bleiben muß. Über die Grundsätze, nach denen diese Zahl zu ermitteln ist, wird eine Verständigung zwischen dem Großherzoglich luxemburgischen Eisenbahnkommissar und der Kaiserlichen Generaldirektion erfolgen. || Tritt der Fall der Mobilmachung im Deutschen Reiche ein, so werden für die Dauer des mobilen Zustandes die für den Betrieb der luxemburgischen Eisenbahnstrecken bestimmten Lokomotiven, Personen-, Gepäck- und Güterwagen in der er-

forderlichen, der getroffenen Feststellung entsprechenden Anzahl mit Aufschriften versehen werden, welche ihre Verwendung im Dienst des Eisenbahnwesens des Großherzogtums Luxemburg ersichtlich machen.

III. Zu Artikel 5 des Vertrags.

Die Kaiserliche Generaldirektion wird darauf Bedacht nehmen, daß die Gesamtzahl der bei den luxemburgischen Eisenbahnstrecken von ihr angestellten Beamten tunlichst zu mindestens neunzig Prozent aus luxemburgischen Staatsangehörigen besteht. || Während der Dauer des gegenwärtigen Vertrags wird die Kaiserliche Generaldirektion denjenigen ihrer Beamten luxemburgischer Staatsangehörigkeit, welche von ihr bisher pensioniert worden sind oder bis zum 31. Dezember 1912 noch pensioniert werden, auch über diesen Termin hinaus die Pension weitergewähren, selbst wenn der Anspruch hierauf nach den mit diesen Beamten geschlossenen Verträgen an sich mit dem 31. Dezember 1912 erlöschen würde.

IV. Zu Artikel 7 des Vertrags.

Es besteht Einverständnis, daß die Kaiserliche Generaldirektion die noch fehlenden zweiten Geleise auf den Strecken || Luxemburg-Wasserbillig, || Nörtzingen-Esch, || Luxemburg-Ulflingen-Belgische Grenze, || Ettelbrück-Diekirch || entsprechend den Bedürfnissen des Verkehrs herstellen und betreiben lassen wird. || Als Frist, binnen welcher die Ausführung dieser Anlagen zu erfolgen hat, wird für die zuerst genannten beiden Strecken und die Teilstrecke Luxemburg-Ettelbrück der Ablauf des Jahres 1914, für die Teilstrecke Ettelbrück-Ulflingen der Ablauf des Jahres 1920 angenommen. || Auf der Linie Ettelbrück-Diekirch soll der Ausbau des zweiten Geleises nicht eher verlangt werden können, als die anstoßende Sauerbahn mit einem zweiten Geleise versehen wird. Ebenso kann der Ausbau des zweiten Geleises zwischen Ulflingen und der belgischen Grenze unterbleiben, solange auf der Fortsetzung dieser Strecke nach Spa das zweite Geleise nicht gelegt ist. || Der Kaiserlichen Generaldirektion bleibt vorbehalten, an Stelle des zweiten Geleises zwischen Oetringen und Luxemburg eine besondere Bahn von Oetringen nach Bettemburg zu erbauen und zu betreiben. || Die Kaiserliche Generaldirektion wird ferner bis Ende 1908 das vorhandene Empfangsgebäude auf dem Bahnhof Luxemburg durch einen den gesteigerten Anforderungen entsprechenden Neubau ersetzen.

V. Zu Artikel 11 des Vertrags.

Während der Dauer des Vertrags vom 20./25. Oktober 1865, betreffend die Fortdauer des Anschlusses des Großherzogtums Luxemburg an

das Zollsystem Preußens und der übrigen Staaten des Zollvereins, werden diejenigen Verbote oder Beschränkungen der Einfuhr, Ausfuhr oder Durchfuhr, welche im Deutschen Reiche dritten Ländern gegenüber aus gesundheitspolizeilichen Rücksichten oder zu dem Zweck erlassen werden, Vieh oder Nutzpflanzen gegen Krankheiten oder Schädlinge zu schützen, im Großherzogtum Luxemburg ebenso in Anwendung gebracht werden, wie dies in der preußischen Rheinprovinz geschieht. || Die vertragschließenden Teile erklären, daß im Interesse des freien Verkehrs es wünschenswert erscheint, in gewissen Fragen bezüglich des Gesundheits- und Veterinärwesens, des Pflanzenschutzes und des Verkehrs mit Nahrungs- und Genußmitteln die beiderseitige Gesetzgebung in Übereinstimmung zu bringen. || Andererseits sind die vertragschließenden Teile darüber einverstanden, daß Beschränkungen des wechselseitigen freien Verkehrs sowohl beim Eintritt außerordentlicher Umstände oder zur Abwehr gefährlicher ansteckender Krankheiten für Menschen oder Vieh (Absatz 3 und 4 des Separatartikels 4 zum Vertrag vom 8. Februar 1842, betreffend den Anschluß des Großherzogtums Luxemburg an das Zollsystem Preußens und der übrigen Staaten des Zollvereins), als auch aus sonstigen gesundheits- oder veterinärpolizeilichen Rücksichten, aus Rücksichten des Pflanzenschutzes oder der Regelung des Verkehrs mit Nahrungs- oder Genußmitteln, ferner zur Verhinderung unlauteren Wettbewerbs, zum Schutze des geistigen oder gewerblichen Eigentums oder zur Fernhaltung unsittlicher oder gemeinschädlicher Drucksachen und Abbildungen oder sonstiger für die öffentliche Moral oder Sicherheit gefährlicher Gegenstände erlassen werden dürfen. Solche Beschränkungen sollen jedoch nur im Falle dringenden Bedürfnisses und nur insofern verfügt werden, als sie sich nicht durch die Übereinstimmung der Gesetzgebung der beiden vertragschließenden Teile erübrigen. || Die im Separatartikel 9 IV 2 des Vertrags vom 8. Februar 1842 vorgesehene Mitwirkung des Königlich preußischen Finanzministeriums bei der Anstellung, Beförderung und Versetzung von Beamten soll sich nur auf die mittleren Zollbeamten beziehen. Die Anstellung, Beförderung oder Versetzung kann künftig erfolgen, nachdem zuvor dem Königlich preußischen Finanzminister Gelegenheit zur Äußerung hierüber gegeben ist.

VI. Zu Artikel 12 des Vertrags.

Es besteht Einverständnis, daß die Kaiserliche Generaldirektion die im Artikel 1 des Vertrags bezeichneten, auf luxemburgischen Gebiet belegenen Eisenbahnstrecken bei Ablauf der Konzessionsdauer am 31. Dezember 1959 unmittelbar an die Großherzogliche Regierung übergeben

wird, und zwar nach Maßgabe des Artikels 31 der Konzessionsbedingungen vom 9. November 1855 und der in Ausführung des § 9 der Übereinkunft vom 11. Juni 1872 aufgenommenen, stets auf dem Laufenden zu erhaltenden Besitzstandsverzeichnisse über die zur Bahn gehörigen Grundstücke. || Es besteht ferner Einverständnis, daß die Bestimmungen der Übereinkunft vom 11. Juni 1872 in allen Fällen, in welchen auf sie in noch in Geltung befindlichen besonderen Abmachungen über die im Artikel 1 bezeichneten, auf luxemburgischem Gebiet belegenen Eisenbahnstrecken verwiesen ist, durch die entsprechenden Bestimmungen des gegenwärtigen Vertrags ersetzt werden.

Die Bevollmächtigten sind übereingekommen, daß das gegenwärtige Protokoll zugleich mit dem Vertrage den beiden vertragschließenden Teilen vorgelegt werden soll, und daß im Falle der Ratifikation des letzteren auch die in dem ersteren enthaltenen Erklärungen und Verabredungen ohne weitere förmliche Ratifikation als genehmigt angesehen werden sollen.

Geschehen zu Berlin, den 11. November 1902.

Freiherr von Richthofen. Graf von Villers.

Nr. 12758. **DEUTSCHES REICH.** — Denkschrift, dem Deutschen Reichstage bei Einbringung des vorstehenden Vertrages vorgelegt.

Berlin, 18. Febr. 1903.

Das Großherzogtum Luxemburg besitzt zwei größere Eisenbahnnetze, von denen das eine der Wilhelm-Luxemburg-Eisenbahn-Gesellschaft, das andere der Prinz-Heinrich-Eisenbahn-Gesellschaft gehört. || Die Wilhelm-Luxemburg-Eisenbahn-Gesellschaft hatte durch Vertrag vom 21. Januar 1868 ihr gesamtes damaliges, mit 170 km in Luxemburg und mit 55 km in Belgien belegenes Netz, für welches die Konzession in Luxemburg bis zum 31. Dezember 1959 und in Belgien bis zum 19. Februar 1957 läuft, der französischen Ostbahn-Gesellschaft für die Zeit bis Ende 1912 gegen eine Jahrespacht von 3 000 000 Franken zum Betrieb auf eigene Rechnung und Gefahr überlassen. Dabei hatte die letztgenannte Gesellschaft sich verpflichten müssen, der luxemburgischen Regierung die zum Bau der Bahnen hergegebene Staatssubvention von 8 000 000 Franken, entsprechend den Bedingungen des Lastenhefts, zurückzuerstatten, sobald beim Betriebe der Bahnen eine Verzinsung des Anlagekapitals von mehr als sechs Prozent erzielt werden würde. || Als dann infolge des deutsch-französischen Krieges die französische Ostbahn-Gesellschaft zum Verzicht auf ihre elsaß-lothringischen Strecken gezwungen wurde, sah sie sich da-

mit auch vom Betriebe der Wilhelm-Luxemburg-Eisenbahnen abgeschnitten. In Ausführung einer Bestimmung in § 6 des Zusatzartikels I zum Friedensvertrage zwischen dem Deutschen Reiche und Frankreich vom 10. Mai 1871 (Reichs-Gesetzbl. S. 236) trat deshalb die deutsche Regierung bezüglich dieser Bahnen in alle der französischen Ostbahn-Gesellschaft erwachsenen Rechte und Pflichten ein, und unter dem 11. Juni 1872 kam zwischen Deutschland und Luxemburg eine Übereinkunft zu stande, laut welcher die luxemburgische Regierung darin willigte: „daß die der Königlich Großherzoglich Wilhelm-Luxemburgischen Eisenbahn-Gesellschaft im Gebiete des Großherzogtums Luxemburg konzessionierten Bahnstrecken bis zum 31. Dezember 1912 durch die mit der Verwaltung der Eisenbahnen in Elsaß-Lothringen betraute Kaiserliche Generaldirektion in Straßburg verwaltet und betrieben werden“ (Reichs-Gesetzbl. S. 329. Vergl. auch Nr. 192 der Drucksachen des Reichstags III. Session 1872 sowie die Anlage 2 dieser Denkschrift). Dabei wurde die dem Betriebsunternehmer obliegende Verpflichtung zur Rückzahlung der Subvention anderweit dahin geregelt, daß der alljährlich nach bestimmten Grundsätzen zu ermittelnde Überschuß der Einnahmen über die Ausgaben bis zur Erfüllung der 8 000 000 Franken ausschließlich der luxemburgischen Regierung zufallen, später aber, nach vollständiger Rückgewährung der Subvention, zwischen Luxemburg und der deutschen Verwaltung hälftig geteilt werden sollte. Ferner fand eine Klausel Aufnahme, nach welcher sich die vertragschließenden Regierungen verpflichteten, von dem ihnen zustehenden Rechte zur Kündigung des Vertrags vom 20./25. Oktober 1865, betreffend die Fortdauer des Anschlusses des Großherzogtums Luxemburg an das Zollsystem Preußens und der übrigen Staaten des Zollvereins, keinen Gebrauch zu machen, so lange die in Luxemburg belegenen Strecken der Wilhelm-Luxemburg-Eisenbahnen von der Kaiserlichen Generaldirektion der Eisenbahnen in Straßburg oder von einer anderen, an deren Stelle getretenen Reichsbehörde verwaltet und betrieben werden. ‖ Die belgischen Strecken des Unternehmens fielen selbstverständlich nicht unter das Übereinkommen mit der luxemburgischen Regierung. Diese Strecken wünschte die belgische Regierung im Anschluß an das eigene Netz selbst zu betreiben. Der hierüber zwischen Deutschland und Belgien abgeschlossene Vertrag vom 11. Juli 1872 (Reichs-Gesetzbl. 1873 S. 339) setzte fest, daß der Beitrag, welchen der belgische Staat für die ihm in Unterpacht gegebenen belgischen Strecken zur Gesamtpacht der 3 000 000 Franken zu leisten habe, nach dem Verhältnisse der Bruttoeinnahmen auf den beiderseits betriebenen Strecken berechnet werden sollte. In Anwendung dieses Grundsatzes hat sich der ursprünglich auf 500 000 Franken

vereinbarte belgische Pachtanteil vom 1. Januar 1894 ab auf 19600 Franken ermäßigt. || Die Wilhelm-Luxemburg-Eisenbahn-Gesellschaft erhob anfänglich gegen das ohne ihren Willen erfolgte Eintreten der deutschen Verwaltung Einspruch, hat sich aber später mit den tatsächlich bestehenden Verhältnissen abgefunden und denselben auch dadurch Rechnung getragen, daß sie die ihr weiter konzessionierten und aus eigenen Mitteln hergestellten neuen Bahnlinien ebenfalls an die Kaiserliche Generaldirektion der Eisenbahnen in Straßburg verpachtete. Diese Linien sind folgende:

1. Die 12,9 km langen, gleichfalls bis Ende 1959 konzessionierten Anschlußbahnen im Düdelinger und im Rümelinger Tale, deren Betrieb der genannten Generaldirektion durch Vertrag vom 22./24. Oktober 1882 bis zum 31. Dezember 1912 überlassen ist. Die jährlich zu zahlende Pachtsumme wird mit 4 1/2 Prozent von dem im Vertrage näher festgesetzten Anlagekapitale der einzelnen Linien berechnet und beläuft sich zur Zeit auf 113166 Franken. || 2. Die 12,2 km lange, mit 10,7 km auf deutschem Gebiete belegene Eisenbahn von Esch an der Elz nach Deutsch-Oth und Redingen. Bezüglich dieser Linie hat die Reichseisenbahnverwaltung bereits auf Grund der in den Jahren 1876 und 1877 getroffenen Abmachungen gegenüber der Wilhelm-Luxemburg-Eisenbahn-Gesellschaft das Recht erlangt, den Betrieb für Rechnung der Gesellschaft während der ganzen Konzessionsdauer, die auch hier bis Ende 1959 läuft, zu führen. Dagegen beschränkt sich die hierzu seitens der luxemburgischen Regierung durch den Staatsvertrag vom 11. Oktober 1876 (Reichs-Gesetzbl. S. 234) erteilte Genehmigung auf die Zeit bis Ende 1912. Unter dem 15./19. September 1899 ist sodann zwischen der Reichseisenbahnverwaltung und dem damaligen Verwaltungsrate der Gesellschaft ein neuer Vertrag zu stande gekommen, wonach vom 1. April 1900 ab das bisherige Betriebsverhältnis durch ein Pachtverhältnis ersetzt wird. An Pachtzins sind hierbei zur Zeit 208025 Franken zu zahlen. Die Gültigkeit dieses Vertrags wird jedoch von dem jetzigen Verwaltungsrate der Gesellschaft in Zweifel gezogen.

Die außerdem der Wilhelm-Luxemburg-Eisenbahn-Gesellschaft in neuerer Zeit konzessionierte Eisenbahnlinie von Ulflingen nach der preußischen Grenze in der Richtung auf St. Vith ist für die ganze Dauer der Konzession an die preußische Staatseisenbahnverwaltung verpachtet und kommt hier nicht weiter in Betracht. || Die nachstehende Zusammenstellung veranschaulicht, wie sich in den dreißig Jahren deutscher Verwaltung der Personen- und Güterverkehr auf den älteren Strecken der Wilhelm-Luxemburg-Eisenbahnen entwickelt hat, in welchem Maße die

Betriebseinnahmen und Ausgaben gestiegen sind, und welche Überschüsse dabei erzielt wurden.

Jahr	Beförderte Personen	Beförderte Güter	Betriebseinnahme	Betriebsausgabe einschließlich der Pacht	Überschuß bezw. Mindérergebnis	
					nach dem Betriebsetat	nach der im Vertrage vom 11. Juni 1872 vereinbarten Berechnung
	Anzahl	Tonnen	ℳ	ℳ	ℳ	ℳ
1873	1 032 051	2 334 626	4 850 598	5 803 895	— 953 297	— 1 699 897
1874	993 262	2 018 154	4 690 999	5 832 799	— 1 141 800	— 2 147 662
1875	965 738	1 893 475	4 757 094	5 307 524	— 550 430	— 1 607 819
1876	962 974	1 584 712	5 264 682*)	6 981 171*)	— 1 716 489*)	— 2 873 540*)
1877	893 815	1 552 546	4 432 980	4 887 565	— 454 585	— 1 463 137
1878	868 151	1 798 194	4 527 870	4 836 074	— 308 204	— 1 269 762
1879	825 399	1 760 910	4 606 965	4 685 807	— 78 842	— 1 090 596
1880	864 695	1 872 332	5 028 077	4 867 098	160 979	— 900 926
1881	880 485	2 123 163	5 611 145	4 887 374	723 771	— 349 103
1882	872 159	2 307 710	5 693 653	4 937 497	756 156	— 388 527
1883	903 103	2 639 256	5 712 420	4 946 775	765 645	— 404 720
1884	906 509	2 793 512	6 069 790	5 039 502	1 030 288	— 167 527
1885	910 242	3 157 721	5 987 755	4 976 518	1 011 237	— 151 402
1886	936 896	3 023 598	5 900 690	4 763 749	1 136 941	— 36 533
1887	983 069	2 813 281	6 641 646	4 980 295	1 661 351	427 976
1888	1 021 024	2 913 085	6 945 763	5 141 112	1 804 651	434 360
1889	1 019 063	3 104 732	7 500 899	5 453 553	2 047 346	648 092
1890	1 091 333	3 430 360	7 511 680	5 820 409	1 691 271	228 834
1891	1 199 041	3 375 654	8 010 375	6 030 991	1 979 384	523 608
1892	1 158 089	3 622 815	7 983 611	6 326 621	1 656 990	183 966
1893	1 298 419	3 983 083	8 446 201	6 375 449	2 070 752	511 206
1894	1 452 433	4 536 279	9 164 629	6 766 393	2 398 236	822 415
1895	1 508 845	4 676 154	9 622 401	7 232 089	2 390 312	759 660
1896	1 621 494	4 873 028	10 551 432	7 537 304	3 014 128	1 279 880
1897	1 751 869	5 142 736	11 332 359	8 203 222	3 129 137	1 361 982
1898	1 859 376	5 386 533	12 051 565	9 240 780	2 810 785	954 417
1899	2 035 659	6 076 915	13 328 201	9 761 885	3 566 316	1 669 035
1900	2 302 461	6 759 031	13 332 519	10 020 969	3 311 550	1 359 995
1901	2 287 582	5 542 530	11 127 703	9 944 884	1 182 819	— 504 167

*) Diese Beträge umfassen die Zeit vom 1. Januar 1876 bis 31. März 1877, also 1¼ Jahr.

Es fällt hauptsächlich ins Auge, welchen außerordentlichen Aufschwung der Güterverkehr genommen hat. Hierzu hat das meiste die Erfindung des Thomasverfahrens beigetragen, welches den im Südwesten von Luxemburg und dem anschließenden Teile Lothringens in reichen Lagern vorkommenden Eisenerzen (Minette) großen Wert verlieh und der in jenen Gegenden ansässigen Bergwerks- und Hüttenindustrie binnen

kurzer Zeit zu ungeahnter Blüte verhalf. Dementsprechend haben sich auch die finanziellen Ergebnisse des Unternehmens nach und nach günstig gestaltet und in den letzten Jahren zu nicht unerheblichen Überschüssen geführt. Daß trotzdem die luxemburgische Regierung am Reingewinne bisher nicht beteiligt werden konnte, ja noch nicht einmal auf die von ihr geleistete Staatssubvention der 8 000 000 Fr. etwas zurückgezahlt erhalten hat, wird von ihr auf die im Vertrage vom 11. Juni 1872 festgelegten Grundsätze über die Berechnung des Reinertrags zurückgeführt, die für Luxemburg sehr ungünstig seien und besonders bei Normierung der Ausgaben für Abnutzung der Betriebsmittel von unhaltbaren Voraussetzungen ausgingen. Das Bestreben der luxemburgischen Regierung war deshalb seit Jahren dahin gerichtet, zu ihren Gunsten eine Abänderung dieser Vertragsbestimmungen herbeizuführen, die, rückwirkend in Geltung gesetzt, ihr noch während der laufenden Pachtperiode die Rückerstattung der gesamten Subvention und darüber hinaus die Hälfte des Reingewinns sichern würde. Von deutscher Seite wurde demgegenüber zwar nicht verkannt, daß für die gestellten Abänderungsanträge gewisse Billigkeitsgründe sprächen, gleichwohl erschien es unzulässig, von den vertragsmäßig in rechtlich unanfechtbarer Weise begründeten Vorteilen irgend etwas nachzulassen, solange der Reichseisenbahnverwaltung nicht auch über das Jahr 1912 hinaus der Weiterbetrieb der Wilhelm-Luxemburg-Eisenbahnen gesichert und ihr dadurch die Möglichkeit eröffnet ist, die jetzt zu bringenden finanziellen Opfer durch Überschüsse späterer Jahre auszugleichen. ‖ Inzwischen wurde die Verlängerung des bestehenden Pachtverhältnisses auf die gesamte noch übrige Konzessionsdauer von der Wilhelm-Luxemburg-Eisenbahn-Gesellschaft selbst angeregt. Diese hat sich von Anfang an auf den eigenen Betrieb ihres Netzes nicht eingerichtet Sie besitzt weder Inventar noch Betriebsmittel und würde zeitraubender und umfangreicher Vorbereitungen bedürfen, wenn sie am Ende des laufenden Vertrags in Ermangelung eines geeigneten neuen Pächters den Betrieb selbst übernehmen müßte. Unter diesen Umständen hat sie ein erhebliches Interesse, möglichst frühzeitig Gewißheit darüber zu erlangen, ob die Reichseisenbahnverwaltung nach 1912 in bisheriger Weise den Betrieb weiterführen wird. Dasselbe Interesse besteht aber auch auf seiten der Reichseisenbahnverwaltung. Denn dem gewaltigen Aufschwunge, welchen mit dem Emporblühen der Eisenindustrie in Lothringen-Luxemburg der Verkehr in Massengütern genommen hat, genügen die vor mehr als drei Jahrzehnten geschaffenen Anlagen und Einrichtungen der Wilhelm-Luxemburg-Eisenbahnen schon seit längerer Zeit nicht mehr. Es macht sich das Bedürfnis nach teilweiser Herstellung

der noch fehlenden zweiten Geleise, Umbau und Erweiterung einzelner Stationen, Verstärkung des Oberbaues und Vervollkommnung der Betriebseinrichtungen in steigendem Maße fühlbar. Gleichwohl mußte sich die Reichseisenbahnverwaltung im Hinblick auf die hierzu erforderlichen sehr erheblichen Mittel große Zurückhaltung auferlegen, weil für die zur Verbesserung der Bahnanlagen gemachten Kapitalaufwendungen bei Auflösung des Pachtverhältnisses kein Ersatz geleistet wird, und an deren Amortisierung durch vermehrte Betriebsüberschüsse bis Ende 1912 nicht zu denken ist. Dagegen würde im Falle einer Verlängerung des bestehenden Pachtverhältnisses die baldige Inangriffnahme der als nötig erkannten Bauausführungen im Interesse einer möglichst langen Ausnutzung sehr erwünscht sein.

Alle diese Erwägungen gaben Veranlassung, bereits im Laufe des Jahres 1900 sowohl mit der Wilhelm-Luxemburg-Eisenbahn-Gesellschaft, wie mit der Großherzoglich luxemburgischen Regierung über die Frage des Weiterbetriebs der Wilhelm-Luxemburg-Eisenbahnen in Verhandlungen zu treten. Das schließliche Ergebnis dieser Verhandlungen ist enthalten in dem Texte des vorliegenden Vertrags zwischen dem Deutschen Reiche und Luxemburg, betreffend den Betrieb der Wilhelm-Luxemburg-Eisenbahnen durch die Reichseisenbahnverwaltung, welcher am 11. November 1902 zu Berlin unterzeichnet worden ist, und dem der über denselben Gegenstand zwischen der Kaiserlichen Generaldirektion der Eisenbahnen in Elsaß-Lothringen zu Straßburg und der anonymen Königlich Großherzoglichen Wilhelm-Luxemburg-Eisenbahn-Gesellschaft mit dem Sitze in Luxemburg abgeschlossene Vertrag vom 16. Juli 1902 als Anlage beigefügt ist. || Die großen Vorteile, die sich daraus ergeben, daß der Betrieb der elsaß-lothringischen und der Wilhelm-Luxemburg-Eisenbahnen wie bisher in der Hand des Reichs vereinigt bleibt, sind leicht zu erkennen. Wie ein Blick auf die zur Erläuterung beigegebene Karte ohne weiteres klar macht, bilden die Wilhelm-Luxemburg-Eisenbahnen ihrer geographischen Lage nach die natürliche und wertvolle Ergänzung des Reichseisenbahnnetzes. Durch sie, unter Zuhilfenahme der den schweizerischen Bundesbahnen abgepachteten schweizerischen Strecke von der Grenze bei St. Ludwig bis Basel, beherrscht die Reichseisenbahnverwaltung eine sehr leistungsfähige, große internationale Route, die es ihr ermöglicht, in dem wichtigen Verkehre zwischen Italien und der Schweiz einerseits und Belgien, Holland und England andererseits einen wirksamen Wettbewerb gegen den denselben Verkehr bedienenden französischen Bahnweg aufzunehmen. Aber auch bei dem Austausche der Rohstoffe (Erz, Kohlen, Koks) und der Hüttenerzeugnisse

(Roheisen), wie er sich unter den benachbarten Industriegebieten an der Ruhr, bei Aachen, in Lothringen-Luxemburg, bei Longwy und Lüttich in immer steigendem Maße vollzieht, spielen die Wilhelm-Luxemburg-Eisenbahnen eine bedeutende Rolle. Hierbei haben sich während ihrer langdauernden Zugehörigkeit zum deutschen Gesamtnetz in Ansehung der Verkehrsleitung und der Tarife festgeordnete Verhältnisse herausgebildet, die den hervorgetretenen verschiedenartigen Bedürfnissen angepaßt sind und bei einem etwaigen Wechsel des Betriebsunternehmers der Wilhelm-Luxemburg-Eisenbahnen voraussichtlich in vielen Beziehungen eine den deutschen Interessen nachteilige Veränderung erfahren würden. || Mit den geschilderten Vorteilen dürften die in den vorgelegten Verträgen sowohl der Gesellschaft wie der luxemburgischen Regierung gegenüber eingegangenen finanziellen und sonstigen Verpflichtungen in angemessenem Verhältnisse stehen. || Der mit der Gesellschaft abgeschlossene Vertrag ändert grundsätzlich an dem Charakter des bisherigen Pachtverhältnisses nichts. Die Reichseisenbahnverwaltung zahlt eine für die ganze Dauer des Vertrags ziffermäßig festgesetzte, unabänderliche Jahrespacht und führt dagegen den Betrieb der Bahnen für eigene Rechnung und Gefahr völlig selbständig, so daß ein Dazwischentreten der Gesellschaft in keinem Falle mehr stattfindet. Auch die Auseinandersetzung bei dem mit Ablauf der Konzessionen eintretenden Heimfalle der Bahnen an die konzessionierenden Staaten ist ausschließlich Sache der Kaiserlichen Generaldirektion in Straßburg (§ 4). || Was den Gegenstand der Pachtung angeht (§ 1), so treten hinzu die Anschlußbahnen im Düdelinger und im Rümelinger Tale, sowie die Bahn von Esch an der Elz nach Deutsch-Oth und Redingen; dagegen scheiden die in Belgien belegenen Strecken der Wilhelm-Luxemburg-Eisenbahnen aus, dergestalt, daß die Gesellschaft vom 1. Januar 1913 ab frei über dieselben verfügen kann. Bis dahin bleibt das Betriebsrecht der belgischen Regierung unverändert fortbestehen, und die Reichseisenbahnverwaltung haftet dafür, daß inzwischen der nach den jetzigen Vereinbarungen auf die belgischen Strecken entfallende Pachtanteil von 219 600 Fr. unverkürzt an die Gesellschaft weitergezahlt wird (§ 10). Für die Reichseisenbahnverwaltung bietet diese Regelung den nicht zu unterschätzenden Vorteil, daß sie dadurch der Last überhoben wird, später wegen Unterverpachtung der belgischen Strecken an die belgische Regierung oder einen dieser genehmen Dritten selbst die nötigen Schritte tun zu müssen.

In allen übrigen Beziehungen beginnt das neue Pachtverhältnis bereits mit dem 1. Januar 1903 (§ 2). Es entspricht dies einer Forderung der Gesellschaft und hat die erwünschte Folge, daß damit von selbst die

unklare und unsichere Rechtslage beseitigt wird, die bisher bestand, weil die Wilhelm-Luxemburg-Eisenbahn-Gesellschaft zu dem wider ihren Willen erfolgten Eintritt der Reichseisenbahnverwaltung in die Rechte und Pflichten der französischen Ostbahn-Gesellschaft ihre ausdrückliche Zustimmung noch nicht gegeben hatte (§ 8 Abs. 1). Außerdem ließen sich die zwischen der Gesellschaft und der Kaiserlichen Generaldirektion zu Straßburg nachträglich entstandenen Meinungsverschiedenheiten hinsichtlich der Rechtsgültigkeit des am 15./19. September 1899 über die Anpachtung der Eisenbahn von Esch nach Deutsch-Oth und Redingen geschlossenen Vertrags durch die Einbeziehung dieser Linie in den Hauptvertrag nur dann beseitigen, wenn letzterer alsbald in Geltung tritt (§ 8 Abs. 2). ‖ Der auf jährlich 3 866 400 Fr. festgesetzte Pachtzins (§ 5) ist wie folgt berechnet:

Nach dem Vertrage mit der französischen Ostbahn-Gesellschaft sind gegenwärtig für die älteren Strecken der Wilhelm-Luxemburg-Eisenbahnen, einschließlich der in Belgien belegenen, zu zahlen . . . . 3 000 000 Fr.

Hierzu tritt die Pacht für die Anschlußbahnen im Düdelinger und im Rümelinger Tale mit	113 166 „
und für die Eisenbahn von Esch nach Deutsch-Oth und Redingen mit	208 025 „
zusammen	3 321 191 Fr.

Statt dessen beansprucht die Gesellschaft vom Jahre 1913 ab eine Gesamtpacht von rund 4 500 000 Fr. Bei Ausscheidung der belgischen Strecken ermäßigt sich jede der beiden Summen um den auf diese Strecken entfallenden Pachtanteil, also um 219 600 Fr.

Um der Forderung der Gesellschaft zu entsprechen, wäre für die Zeit von 1913 bis 1959 ein Mehr von 1 178 809 Fr. zu zahlen. Da aber die Gesellschaft Wert darauf legt, vom 1. Januar 1903 bis zum Ablaufe der Konzession eine möglichst gleichmäßige Dividende verteilen zu können, so ist die für 1913 bis 1959 zugestandene Pachterhöhung, unter Berechnung von $3^1/_2$ Prozent Zinsen für die danach von der Reichseisenbahnverwaltung zu machenden Vorleistungen, auf den ganzen Zeitraum vom 1. Januar 1903 bis 31. Dezember 1959 mit jährlich 764 752 Fr. verteilt und so die, unter Ausscheidung der belgischen Strecken, vom 1. Januar 1903 ab zu zahlende Pachtsumme auf 3 866 343, rund 3 866 400 Fr. bemessen worden. ‖ Gegenüber der im Jahre 1868 vereinbarten Pacht bedeutet dies für die älteren Strecken der Wilhelm-Luxemburg-Eisenbahnen, mit Ausschluß der in Belgien belegenen, eine Erhöhung von 27,5 Prozent. Wenn hiermit die außerordentliche Steigerung verglichen wird, welche in der Zwischenzeit der Verkehr und die Betriebseinnahmen

auf den gepachteten Bahnlinien erfahren haben, so darf die der Gesellschaft zugestandene Pachterhöhung als eine nicht übermäßige bezeichnet werden. Auf der anderen Seite ist freilich zu berücksichtigen, daß während der neuen Pachtperiode die dem Bedürfnis entsprechende Verbesserung der Bahnanlagen und Betriebseinrichtungen erhebliche außerordentliche Aufwendungen erfordern wird, deren Verzinsung und Amortisation aus den Betriebsüberschüssen zu erfolgen hat. Ob unter diesen Umständen die erhöhte Pacht dem Reiche noch einen nennenswerten baren Gewinn übrig lassen wird, hängt in der Hauptsache davon ab, wie sich in Zukunft die wirtschaftlichen Verhältnisse, besonders auf dem Gebiete der Eisenindustrie, gestalten werden. Es darf wohl damit gerechnet werden, daß dem schon einige Zeit andauernden Niedergange bald wieder eine längere Periode des Aufschwungs folgen wird. Im übrigen ist der indirekte Nutzen, welchen die Vereinigung der elsaßlothringischen und der luxemburgischen Linien zu einer Betriebsgemeinschaft in der Hand des Reichs verspricht, schon so hoch zu veranschlagen, daß eine Benachteiligung des Reichs in jedem Falle ausgeschlossen erscheint. || Zur Gültigkeit des neuen Pachtvertrags, welcher unter dem 20. August 1902 von der Generalversammlung der Aktionäre der Wilhelm-Luxemburg-Eisenbahn-Gesellschaft und unter dem 28. Oktober 1902 von dem Chef des Reichsamts für die Verwaltung der Reichseisenbahnen genehmigt worden ist (vergl. § 12), ist erforderlich, daß bis zum 1. Juli 1903 zwischen dem Deutschen Reiche und dem Großherzogtume Luxemburg ein Staatsvertrag zu stande kommt, kraft dessen die luxemburgische Regierung darin willigt, daß der Betrieb der auf ihrem Gebiete belegenen Linien von der Kaiserlichen Generaldirektion bis zum 31. Dezember 1959 geführt werde (§ 9). Die Notwendigkeit dieses Vorbehalts ergibt sich aus Artikel 24 der in dieser Hinsicht maßgebenden Konzessionsbedingungen (cahier des charges) vom 9. November 1855 und aus Artikel 1 des luxemburgischen Gesetzes vom 3. September 1879 (Memorial S. 741), betreffend die Abtretung und Veräußerung von Eisenbahnen, in welch letzterem bestimmt ist, daß die Eisenbahngesellschaften die ihnen in Konzession verliehenen Bahnen nur mit Genehmigung der Regierung abtreten dürfen. || Im vorliegenden Falle war diese Genehmigung in einem besonderen Staatsvertrag auszusprechen, weil die Abtretung an das Deutsche Reich erfolgt und von beiden Teilen Bedingungen gestellt werden. Auf seiten der luxemburgischen Regierung handelte es sich hierbei hauptsächlich um zwei Forderungen, ohne deren Bewilligung ihre Zustimmung nicht zu erlangen war: alsbaldige Rückerstattung der Staatssubvention von 8 000 000 Fr. und — im Anschluß daran — Beteiligung

des luxemburgischen Staates am Reingewinne während der ganzen Vertragsdauer. || In ersterer Beziehung ist Einverständnis dahin erzielt worden, daß die Rückerstattung der Subvention in festen Jahresraten von je 500000 Fr. (400000 ℳ), beginnend mit dem Jahre 1903, stattzufinden hat. Diese Regelung entspricht der Billigkeit und rechtfertigt sich zugleich aus Zweckmäßigkeitsgründen.

Wie schon erwähnt, besteht nämlich für die luxemburgische Regierung bei Aufrechthaltung der die Rückzahlung regelnden Bestimmungen des jetzt geltenden Staatsvertrags keine Aussicht, die geleistete Subvention in absehbarer Zeit zurückzuerhalten, obwohl sich das Unternehmen der Wilhelm-Luxemburg-Eisenbahnen im allgemeinen günstig entwickelt hat und Betriebsüberschüsse über sechs Prozent des Anlagekapitals, die nach den Konzessionsbedingungen zur Tilgung der Subvention zu verwenden gewesen wären, seit einer Reihe von Jahren erzielt worden sind. Die Ursache liegt — wie anerkannt werden muß — vornehmlich in den Bestimmungen über die Berechnung des Reinertrags, die der deutschen Verwaltung hohe Abzüge für die Verzinsung der zur Verbesserung der Bahnanlagen aufgewendeten Kapitalien und für die Erneuerung der durch Verschleiß unbrauchbar gewordenen Betriebsmittel gestatten, wobei hinsichtlich der Dienstdauer der letzteren von tatsächlich nicht mehr zutreffenden Voraussetzungen ausgegangen ist. Deutscherseits hätte es daher nicht abgelehnt werden können, in dem neuen Vertrage der luxemburgischen Regierung eine den gegenwärtigen Verhältnissen entsprechende Abänderung der fraglichen Bestimmungen zuzugestehen. Auch in diesem Falle würde die Rückzahlung der Subvention sich in wesentlich kürzerer Frist vollzogen haben, es wäre aber das im Vertrage vorgeschriebene, für die Eisenbahnverwaltung äußerst lästige und umständliche Abrechnungsverfahren bestehen geblieben, das im Laufe der Jahre fortgesetzt zu Zweifeln und Meinungsverschiedenheiten Anlaß gegeben hat. Mit Rücksicht hierauf empfahl es sich, die Rückerstattung der Subvention von dem Reinerträgnisse des Unternehmens unabhängig zu machen und feste Jahresraten zu vereinbaren, die, um eine übermäßige Belastung des Eisenbahn-Etats zu vermeiden, möglichst niedrig zu bemessen waren. || Für die Zeit nach Rückzahlung der Subvention, also für die Jahre 1919 bis 1959 beanspruchte die luxemburgische Regierung eine angemessene Beteiligung am Reingewinn, indem sie sich darauf berief, daß der Vertrag vom 11. Juni 1872 in dieser Beziehung hälftige Teilung zwischen Luxemburg und der deutschen Verwaltung vorsieht. Beabsichtigt sei hierbei gewesen, der luxemburgischen Regierung eine Entschädigung dafür zu gewähren, daß sie zu Gunsten des Deutschen Reichs auf das in den

Konzessionsbedingungen dem Staate eingeräumte Vorrecht, den Betrieb der konzessionierten Bahnen gegebenenfalls selbst zu übernehmen, Verzicht geleistet habe. Da jetzt die Erneuerung dieses Verzichts, und zwar für die ganze noch übrige Konzessionsdauer, verlangt werde, so bestehe der Grund, aus dem die Gewinnbeteiligung früher zugestanden worden sei, unverändert fort, und die luxemburgische Regierung habe umso weniger Anlaß, ihren Anspruch fallen zu lassen, als die von der Wilhelm-Luxemburg-Eisenbahn-Gesellschaft für die Zukunft ausbedungene Pachterhöhung die Frage der Gewinnbeteiligung nicht berühre. Denn selbstverständlich setze letztere voraus, daß trotz der erhöhten Pacht noch ein zu teilender Reingewinn übrig bliebe. || Es war nicht möglich, sich der so begründeten Forderung gegenüber vollständig ablehnend zu verhalten. Dieselben Erwägungen, welche für die Rückzahlung der Subvention in festen Jahresraten sprachen, führten jedoch auch hier dazu, zur Vermeidung jedes umständlichen und lästigen Rechnungsverfahrens, an die Stelle der Überweisung eines bestimmten Prozentsatzes vom Reingewinne die Zahlung einer alljährlich zu entrichtenden festen Abgabe treten zu lassen. Die Höhe dieser Abgabe ist mit 200 000 ℳ so bemessen worden, daß sie voraussichtlich im Durchschnitte der Jahre neben der Pacht und den erforderlichen Amortisationen aus den Betriebsüberschüssen bestritten werden kann. || Von besonderer Bedeutung ist ferner, daß die Klausel des Vertrags vom 11. Juni 1872, wonach die zwischen Deutschland und Luxemburg bestehende Zollgemeinschaft nicht aufgehoben werden soll, solange das Eisenbahnbetriebsverhältnis dauert, in dem vorliegenden Vertrage vom 11. November 1902 in entsprechender Weise erneuert worden ist. || Nach der Ratifikation des Vertrags werden die verbündeten Regierungen sich für ermächtigt halten, die Mehrbeträge an Pacht in Höhe von rund 154 880 ℳ für das Rechnungsjahr 1902 und von rund 619 500 ℳ für 1903 überetatsmäßig, sowie den auf 1903 entfallenden Teil der Subventionsrückzahlung in Höhe von 400 000 ℳ außeretatsmäßig zu verausgaben. || Zu den einzelnen Bestimmungen des Vertrags vom 11. November 1902, die in der Anlage 2 den Bestimmungen des Vertrags vom 11. Juni 1872 gegenübergestellt sind, ist noch folgendes zu bemerken:

Zu Artikel 1 des Vertrags und Nr. I des Schlußprotokolls.

Im ersten Absatze des Artikels 1 erteilt die luxemburgische Regierung für ihr Teil die Genehmigung, daß die Bahnen bis Ende 1959 durch die Kaiserliche Generaldirektion der Eisenbahnen in Elsaß-Lothringen betrieben werden. Im entsprechenden Absatze des § 1 des

Vertrags vom 11. Juni 1872 wurde der deutschen Regierung vorbehalten, an die Stelle dieser Generaldirektion eine andere Reichsbehörde zu setzen. Nach der jetzigen Fassung darf der Betrieb nicht nur an eine andere Reichsbehörde, sondern auch an eine deutsche einzelstaatliche Behörde übertragen werden. ‖ In der Nr. 1 des Schlußprotokolls wird festgestellt, daß der vorliegende Vertrag in die bestehenden Abmachungen über die Linie von Ulflingen nach der deutschen Grenze gegen St. Vith nicht eingreift. ‖ Der zweite Absatz des Artikels 1 stellt fest, daß der Betrieb der Bahnen auf dem luxemburgischen Gebiet, außer nach den maßgebenden Konzessionsurkunden und besonderen Abmachungen, nach den jeweiligen allgemeinen Gesetzen und Verordnungen des Großherzogtums zu erfolgen hat. Im zweiten Absatze des § 1 des Vertrags vom 11. Juni 1872 wurde bestimmt, daß die Reichseisenbahnverwaltung nur den am 10. Mai 1871 in Geltung gewesenen luxemburgischen Gesetzen und Verordnungen unterworfen sein solle. Diese Bestimmung ist von luxemburgischer Seite als eine ungerechtfertigte Einschränkung der Hoheitsrechte des luxemburgischen Staates empfunden und deshalb im vorliegenden Vertrage nicht erneuert worden.

Zu Artikel 2 des Vertrags und Nr. II des Schlußprotokolls.

Der Abs. 1 des Artikels 2, welcher dem § 2 des Vertrags vom 11. Juni 1872 entspricht, bringt zum Ausdrucke, daß die von der Reichseisenbahnverwaltung betriebenen luxemburgischen Eisenbahnstrecken deutscherseits niemals in einer Weise benutzt werden dürfen, die mit der auf dem Londoner Vertrage vom 11. Mai 1867 beruhenden Neutralität des Großherzogtums in Widerspruch stehen würde. ‖ Der neu hinzugetretene zweite Absatz des Artikels legt der Reichseisenbahnverwaltung die Verpflichtung auf, stets für das Vorhandensein des zur Bewältigung des Verkehrs erforderlichen Betriebsmaterials auf den in Frage stehenden Strecken zu sorgen. Nr. II des Schlußprotokolls gibt dazu die Erläuterung, daß diese Verpflichtung sich auch auf den Fall einer deutschen Mobilmachung bezieht. Ferner bestimmte das Schlußprotokoll, daß periodisch die von der Reichseisenbahnverwaltung für die luxemburgischen Eisenbahnstrecken zur Verfügung zu haltenden Lokomotiven und Wagen der Zahl nach festgestellt werden sollen. In gewöhnlichen Zeiten verbleiben diese Lokomotiven und Wagen im Fahrparke der Reichseisenbahnverwaltung und unterliegen hinsichtlich ihrer Verwendbarkeit keiner Beschränkung. Dagegen sollen sie im Falle einer deutschen Mobilmachung für die Dauer des mobilen Zustandes zwecks ausschließlicher Verwendung auf den luxemburgischen Strecken ausgesondert werden.

Artikel 3 des Vertrags

entspricht, bis auf einige geringfügige Abweichungen in der Wortfassung, dem § 3 des Vertrags vom 11. Juni 1872. Er bringt zum Ausdrucke, daß die Reichseisenbahnverwaltung wegen der aus dem Betriebe der luxemburgischen Eisenbahnstrecken entstehenden Rechtsstreitigkeiten der luxemburgischen Gerichtsbarkeit unterworfen ist.

Artikel 4 des Vertrags,

der sich an den § 4 des Vertrags vom 11. Juni 1872 anlehnt, trifft im luxemburgischen Interesse einige Bestimmungen über die Verwaltung der in Frage stehenden Strecken. Für die Betriebsleitung derselben soll von der Reichseisenbahnverwaltung ein besonderer Beamter bestellt werden. Andererseits kann die luxemburgische Regierung zur Vermittelung des Verkehrs mit der Betriebsleitung und zur Wahrnehmung ihrer Hoheits- und Aufsichtsrechte einen Eisenbahnkommissar bestellen. Ferner ist sie befugt, einen Eisenbahnrat einzurichten, der bestimmt ist, in wichtigen Fragen des Eisenbahnbetriebs gutachtlich gehört zu werden. Die Befugnisse dieses Eisenbahnrats, der an Stelle des im Vertrage von 1872 genannten „Komitees“ tritt, sind im Artikel 4 nach dem Vorbilde der preußischen Eisenbahnräte näher geregelt.

Zu Artikel 5 des Vertrags und Nr. III des Schlußprotokolls.

Artikel 5 des vorliegenden Vertrags, der sich auf die Beschaffung und die dienstlichen Verhältnisse des bei den fraglichen Eisenbahnstrecken zu verwendenden Personals bezieht, entspricht dem § 5 des Vertrags vom 11. Juni 1872. Die Zusage, daß vorzugsweise luxemburgische Staatsangehörige beschäftigt und angestellt werden sollen, sofern sie den an sie zu stellenden Anforderungen genügen, ist erneuert und im ersten Absatze der Nr. III des Schlußprotokolls dahin erläutert worden, daß, soweit als tunlich, mindestens 90 Prozent der Beamten aus luxemburgischen Staatsangehörigen bestehen sollen. Die im § 5 des Vertrags von 1872 enthaltene Bestimmung, daß die von der französischen Ostbahn-Gesellschaft angestellten Beamten in ihren Stellen zu belassen und ihnen auch die unter der früheren Verwaltung erworbenen Ansprüche auf Pension zu gewähren seien, ist als jetzt gegenstandslos weggelassen worden. Dagegen ist im zweiten Absatze der Schlußprotokollbestimmung festgesetzt, daß den bereits pensionierten oder bis zum 31. Dezember 1912 noch zu pensionierenden Beamten luxemburgischer Staatsangehörigkeit die Pension auch über den 31. Dezember 1912 hinaus gewährt werden soll, selbst wenn der Anspruch hierauf nach den

mit diesen Beamten geschlossenen Verträgen an sich mit diesem Termine erlöschen sollte. Eine solche Festsetzung ist erforderlich, weil bisher die Reichseisenbahnverwaltung den von ihr bei den Wilhelm-Luxemburg-Bahnen angestellten Luxemburgern die Pensionsberechtigung nur mit jener zeitlichen Begrenzung zugestanden hat, da es nicht angängig erschien, Pensionsleistungen zu Gunsten dieser Beamten auch für eine Zeit zu übernehmen, wo die Bahnen vielleicht nicht mehr in Betrieb der Reichseisenbahnverwaltung sein würden.

Artikel 6 des Vertrags.

betrifft die Dienstkleidung der Eisenbahnbeamten. Er entspricht dem § 6 des Vertrags vom 11. Juni 1872.

Zu Artikel 7 des Vertrags und Nr. IV des Schlußprotokolls.

Artikel 7, der sich auf die im Verkehr auf den fraglichen Eisenbahnstrecken anzuwendenden Vorschriften und Tarife, ferner auf die Einrichtung geeigneter Zugverbindungen bezieht, entspricht im allgemeinen den Bestimmungen des § 7 des Vertrags vom 11. Juni 1872, soweit diese nicht als veraltet wegzulassen waren. Im zweiten Absatz ist in Abweichung von der bisherigen Fassung (Abs. 3 des § 7 des Vertrags von 1872) deutscherseits zur Ausschließung jeden Zweifels ausdrücklich zugesagt, daß für den durchgehenden Verkehr und zur Herstellung ineinandergreifender Fahrpläne nicht nur die nötigen Personenzüge, sondern auch Schnellzüge eingerichtet werden sollen. Während ferner in Abs. 4 des angeführten § 7 wegen der den industriellen Anlagen für die Einrichtung und den Betrieb von Anschlußgeleisen zu gewährenden Bedingungen auf die in Elsaß-Lothringen beobachtete Praxis verwiesen ist, werden in dieser Hinsicht nunmehr durch Abs. 3 des Artikels 7 die Normen für maßgebend erklärt, die im Lastenhefte für die Prinz-Heinrich-Eisenbahnen vorgeschrieben sind. Es erschien im beiderseitigen Interesse erwünscht, daß in der Zulassung von Anschlußgeleisen bei den beiden luxemburgischen Eisenbahnnetzen nach denselben Grundsätzen verfahren wird. ‖ In Nr. IV des Schlußprotokolls werden nähere Bestimmungen für die Durchführung von Verbesserungen und Erweiterungen der Bahnanlagen getroffen. Diese Verbesserungen und Erweiterungen erscheinen nicht nur vom luxemburgischen Standpunkt erwünscht, sondern liegen auch im eigenen Interesse der Reichseisenbahnen, insofern damit den Anforderungen des im Laufe der Jahre außerordentlich gestiegenen Verkehrs entsprochen und ein sachgemäßer nutzbringender Betrieb gesichert wird. Die für die Ausführung der einzelnen Neuanlagen vorgesehenen

Fristen gestatten die Verteilung der erforderlichen Ausgaben auf einen entsprechenden Zeitraum.

Artikel 8 des Vertrags

bestimmt in Erweiterung des § 8 des Vertrags vom 11. Juni 1872, daß, außer für die Eisenbahnbetriebsmittel, auch für die Kessel und maschinellen Anlagen der Eisenbahnwerkstätten die Prüfung durch die deutschen Behörden ausreichen soll.

Durch Artikel 9 des Vertrags,

der die §§ 10 bis 12 des Vertrags vom 11. Juni 1872 ersetzt, wird die Erstattung der seinerzeit von Luxemburg für den Bahnbau gewährten Subvention von 8 Millionen Franken und die Zahlung von jährlich 200000 ℳ geregelt, die vom Jahre 1919 ab der luxemburgischen Regierung an Stelle einer Beteiligung an den Erträgnissen der fraglichen Eisenbahnstrecken geleistet werden soll.

Artikel 10 des Vertrags

bezweckt, der Reichseisenbahnverwaltung den Pachtbesitz der in Frage stehenden Eisenbahnstrecken gegenüber Ansprüchen Dritter dadurch zu sichern, daß die luxemburgische Regierung sich verpflichtet, für diese Strecken keinen anderen Betriebsunternehmer zuzulassen, sofern sie die Zulassung zu versagen rechtlich in der Lage ist. Diese Bestimmung ist aufgenommen worden, weil der belgische Staat als Rechtsnachfolger der belgischen Groß-Luxemburg-Eisenbahn-Gesellschaft auf Grund eines älteren Vertrags zwischen dieser und der Wilhelm-Luxemburg-Eisenbahn-Gesellschaft Ansprüche auf den Betrieb der Strecke Bettingen—Wasserbillig zu besitzen behauptet, Ansprüche, welche die luxemburgische Regierung nicht anerkennt, und die ohne ihren Willen nicht verwirklicht werden können, weil nach Artikel 24 des maßgebenden Lastenhefts vom 9. November 1855 und nach Artikel 1 des luxemburgischen Gesetzes vom 3. September 1879 der Übergang des Betriebs der Strecke auf einen anderen Unternehmer ohne Zustimmung der luxemburgischen Regierung nicht statthaft ist. Andererseits leistet nach Abs. 2 des Artikels 10 das Deutsche Reich dem luxemburgischen Staat Gewähr gegen die von Dritten zu erhebenden Ansprüche. Diese Gewährleistung entspricht dem Abs. 2 im § 13 des Staatsvertrags vom 11. Juni 1872; sie erscheint um so unbedenklicher, als jetzt ein ordnungsmäßiger Vertrag der Reichseisenbahnverwaltung mit der Wilhelm-Luxemburg-Eisenbahn-Gesellschaft vorliegt, während bei Abschluß des Staatsvertrags von 1872 der Betrieb der Bahnen durch die Reichseisenbahnverwaltung ohne die förmliche Zustimmung der Gesell-

schaft geführt wurde. || Im dritten Absatze des Artikels 10 erteilt die luxemburgische Regierung der deutschen Verwaltung vor dritten Unternehmern ein Vorrecht auf die Konzession einer Eisenbahnverbindung, die im Falle der Moselkanalisierung zwischen dem luxemburgischen Erzrevier und dem Kanal etwa notwendig werden könnte.

Artikel 11 des Vertrags und Nr. V des Schlußprotokolls beziehen sich auf die Zollgemeinschaft zwischen dem Reiche und Luxemburg. || Diese Zollgemeinschaft beruht auf den Zollanschlußverträgen vom 8. Februar 1842, 2. April 1847, 26./31. Dezember 1853 und 20./25. Oktober 1865 [Preußische Gesetz-Samml. 1842 S. 92, 1847 S. 283, 1854 S. 155, 1866 S. 207 *)]. || Artikel 4 des Vertrags vom 20./25. Oktober 1865 bestimmt, daß die durch Artikel 1 zunächst bis zum 31. Dezember 1877 festgesetzte Zollgemeinschaft sich jeweilig um 12 Jahre verlängern soll, wenn sie nicht von dem einen oder anderen Teile mindestens zwei Jahre vor dem Ablauf einer solchen zwölfjährigen Periode gekündigt wird. || Dieser Artikel ist durch den § 14 des Vertrags vom 11. Juni 1872 modifiziert, welcher bestimmt, daß die Zollgemeinschaft nicht durch Kündigung zum Ablaufe gebracht werden darf, solange die in Luxemburg belegenen Strecken der Wilhelm-Luxemburg-Bahnen durch die Reichseisenbahnverwaltung betrieben werden. Da von keinem der beiden Teile die Kündigung der Zollgemeinschaft vor dem 31. Dezember 1899 ausgesprochen worden ist, steht diese zur Zeit bis zum 31. Dezember 1913 fest. || Dem § 14 des Vertrags von 1872 entspricht der Artikel 11 des vorliegenden Vertrags, der gleichfalls ausschließt, daß die Zollgemeinschaft während der Dauer des Eisenbahnbetriebsverhältnisses zum Ablaufe gebracht wird. Dadurch ist der Bestand der Zollgemeinschaft mindestens bis Ende 1959 festgestellt. In der Formulierung weicht der Artikel 11 von dem erwähnten § 14 etwas ab; insbesondere ist jetzt klar zum Ausdrucke gebracht, daß eine während des Betriebsverhältnisses erfolgende Kündigung der Zollgemeinschaft zwar ihre Wirkung erst mit Endigung des Betriebsverhältnisses äußert, daß sie aber nicht formell unstatthaft ist. Es besteht daher die Möglichkeit, die Zollgemeinschaft trotz der im Artikel 4 des Vertrags vom 20./25. Oktober 1865 festgesetzten Fristen genau am Endtermine des Betriebsverhältnisses aufhören zu lassen. Dem bloßen Wortlaute nach könnte der § 14 des Vertrags vom 11. Juni 1872 in dieser Hinsicht zweifelhaft sein, während der Sinn allerdings auch kein

*) Die in der Preußischen Gesetz-Sammlung nicht veröffentlichten Separatartikel und Schlußprotokolle zu diesen Zollanschlußverträgen sind in der amtlichen Publikation „Verträge und Verhandlungen über die Bildung und Ausführung des Deutschen Zoll- und Handelsvereins“ abgedruckt, vergl. Bd. 3 S. 371, 395 und 401, Bd. 5 S. 419.

anderer ist. ‖ Durch den Vertrag vom 8. Februar 1842 verzichtete Luxemburg auf die eigene Stimme in den Zollvereinsangelegenheiten, erkannte an, in diesen durch Preußen vertreten zu werden, und verpflichtete sich, die zwischen den übrigen Vereinsmitgliedern vereinbarten Zollgesetze und Zollverordnungen bei sich einzuführen und ausführen zu lassen, wie dies in den angrenzenden preußischen Provinzen der Fall sein würde. In diesem, durch den Vertrag von 1842 geschaffenen, durch die Verträge bis 1865 in einigen Punkten modifizierten Verhältnis ist nach der Gründung des Norddeutschen Bundes und des Deutschen Reichs eine Änderung nicht eingetreten. ‖ Die Zollanschlußverträge enthalten unter anderem auch gewisse Verabredungen zur Herbeiführung einer tunlichsten Übereinstimmung der beiderseitigen Gesetzgebung hinsichtlich der inneren indirekten Steuern. ‖ Ob aus dem nun schon seit länger als einem halben Jahrhundert bestehenden Anschlusse Luxemburgs an das deutsche Zollsystem dieses selbst oder das Deutsche Reich in finanzieller oder wirtschaftlicher Beziehung größeren Nutzen zieht, läßt sich ziffermäßig nicht feststellen. In Ermangelung einer Zollgrenze läßt sich keine Statistik führen, die über den Güteraustausch zwischen beiden Ländern und über den Umfang, in welchem die zoll- und steuerpflichtigen Waren in dem einen oder dem anderen Gebiete zum Verbrauche gelangen, zuverlässige Auskunft gibt. Es kann aber ohne weiteres angenommen werden, daß der Zollanschluß für beide Teile gewinnbringend ist, und daß insbesondere auch für Deutschland die Vorteile, welche aus dem Verhältnisse sich ergeben, die etwaigen Nachteile überwiegen.

In Luxemburg ist die industrielle Tätigkeit auf dem Gebiete der Eisenerzförderung und der Roheisenerzeugung dank der dortigen mächtigen Lager von Eisenerz zu großer Entwickelung gelangt, wie sich aus den nachstehenden Ziffern ergibt. ‖ Es wurden Eisenerze gefördert:

	im deutschen Zollgebiete (Deutsches Reich und Luxemburg)	in Luxemburg	Anteil Luxemburgs an der Gesamtförderung
	Tonnen	Tonnen	Prozente
1892	11 539 133	3 370 292	29,2
1893	11 457 533	3 351 938	29,3
1894	12 392 065	3 958 281	31,9
1895	12 349 600	3 913 077	31,7
1896	14 162 335	4 758 741	33,6
1897	15 465 980	5 349 010	34,6
1898	15 901 263	5 348 951	33,6
1899	17 989 635	6 014 394	33,4
1900	18 964 294	6 171 229	32,5
1901	16 570 258	4 455 179	26,9

An Roheisen wurden gewonnen:

	im deutschen Zollgebiete (Deutsches Reich und Luxemburg)	in Luxemburg	Anteil Luxemburgs an der Gesamterzeugung.
	Tonnen	Tonnen	Prozente
1892	4 937 461	586 516	11,8
1893	4 986 003	558 289	11,2
1894	5 380 039	679 817	12,6
1895	5 464 501	694 814	12,7
1896	6 372 575	808 898	12,7
1897	6 881 466	872 458	12,6
1898	7 312 766	945 866	12,9
1899	8 143 132	982 930	12,0
1900	8 520 541	970 885	11,4
1901	7 880 087	916 404	11,6

Die luxemburgischen Eisenerze werden in großem Umfange von den Hüttenwerken des rheinisch-westfälischen Industriegebiets bezogen. Es wäre nicht erwünscht, wenn Luxemburg nach Aufhebung der Zollgemeinschaft etwa in die Lage käme, durch einen Ausfuhrzoll die Erze zur eigenen Verhüttung im Lande zu halten. Andererseits bildet die luxemburgische Roheisenerzeugung eine wertvolle Ergänzung für das deutsche Wirtschaftsleben. Stände das luxemburgische Roheisen nicht zur Verfügung, so würde voraussichtlich Deutschland entsprechend größere Mengen Roheisen aus dem Zollauslande beziehen müssen und wäre dadurch weit mehr als jetzt in der Beschaffung dieses, für seine Industrie unentbehrlichen Rohstoffs von fremden Wirtschaftsgebieten und den dort sich vollziehenden Fluktuationen abhängig. || Abgesehen von der Erz- und Eisenindustrie sind die luxemburgischen Industrien von verhältnismäßig geringer Bedeutung. Besonders zu nennen sind Schieferbrüche, Steinbrüche, Steingutfabriken, Gerbereien, Handschuhleder- und Handschuhfabriken, einige Webereien und Wirkereien, einige Tabakfabriken, sowie eine Schaumweinfabrik, die in größerem Umfange Sekt aus ausländischen Rohweinen herstellt. || Im allgemeinen bietet Luxemburg im Verhältnisse zum Gebietsumfang und zur Einwohnerzahl ein schätzenswertes Absatzfeld für viele deutsche industrielle Erzeugnisse. Umgekehrt ist für die deutsche Landwirtschaft keine irgend fühlbare Beeinträchtigung darin zu finden, daß die luxemburgischen landwirtschaftlichen Erzeugnisse unverzollt bei uns eingehen; denn die luxemburgische Landwirtschaft produziert im wesentlichen unter den gleichen Bedingungen, wie sie in den angrenzenden deutschen Gebieten obwalten. || Es erscheint daher vom allgemeinen Standpunkt unbedenklich, daß durch den vorliegenden Vertrag die Zollgemeinschaft bis Ende 1959 festgelegt wird. Vom Standpunkte der Reichs-

eisenbahnverwaltung aber ist diese Erstreckung der Zollgemeinschaft eine Notwendigkeit. Denn es bedarf keiner Ausführung, daß der Wert, den die Wilhelm-Luxemburg-Bahnen als Ergänzung der elsaß-lothringischen Bahnen besitzen, nur dann vollständig ausgenutzt werden kann, wenn Luxemburg vom Deutschen Reiche nicht durch Zollschranken abgeschlossen ist. || Dem Wesen der Zollgemeinschaft entspricht es, daß der Verkehr zwischen den betreffenden Gebieten sich möglichst frei und ungehindert vollziehen darf. Andererseits versteht es sich von selbst, daß keines der beteiligten Länder völlig auf das Recht verzichten kann, unter gewissen Umständen Sperrmaßregeln auch gegen das zollgeeinte Nachbargebiet zu verfügen. Artikel 5 des Vertrags vom 8. Februar 1842 bestimmt in dieser Hinsicht: „Mit der vollständigen Ausführung des gegenwärtigen Vertrags hören die Eingangs-, Ausgangs- und Durchgangsabgaben an den Grenzen zwischen Preußen und dem Großherzogtume Luxemburg auf, und es können alle Gegenstände des freien Verkehrs aus letzterem frei und unbeschwert in die Preußischen und die mit Preußen im Zollvereine befindlichen Staaten und umgekehrt aus diesen in jenes eingeführt werden, mit alleinigem Vorbehalte: || a) der zu den Staatsmonopolien gehörigen Gegenstände (Salz), ingleichen der Spielkarten und Kalender nach Maßgabe der Artikel 6 und 7; || b) der im Innern der zu dem Zollvereine gehörigen Staaten mit einer Steuer belegten inländischen Erzeugnisse, nach Maßgabe des Artikels 8, und endlich || c) solcher Gegenstände, welche ohne Eingriff in die von einem der kontrahierenden Staaten erteilten Erfindungs-Privilegien (Patente) nicht nachgemacht oder eingeführt werden können und daher für die Dauer der Privilegien (Patente) von der Einfuhr in den Staat, welcher dieselben erteilt hat, ausgeschlossen bleiben müssen.“|| Dieser Artikel 5 wird durch den Separatartikel 4 zum Vertrage vom 8. Februar 1842 ergänzt, welcher in seinen hier in Betracht kommenden Absätzen 3 und 4 wie folgt lautet: || „Nicht minder schließen Seine Majestät der König Großherzog Sich der Verabredung an, daß die Freiheit des Handels und Verkehrs zwischen den kontrahierenden Staaten auch dann keine Ausnahme erleiden soll, wenn bei dem Eintritt außerordentlicher Umstände, insbesondere auch bei einem drohenden oder ausgebrochenen Bundeskriege, einer jener Staaten sich veranlaßt finden sollte, die Ausfuhr gewisser, im inneren freien Verkehr befindlicher Erzeugnisse oder Fabrikate in das Ausland für die Dauer jener außerordentlichen Umstände zu verbieten. || Sollte jedoch einer oder der andere dieser Staaten es seinem Interesse nicht angemessen finden, auch seinerseits jenes Verbot anzuordnen, so bleibt demjenigen oder denjenigen Staaten, welche solches zu erlassen für nötig finden, die Befugnis vorbehalten, dasselbe auch

auf den Umfang des ihrem Beschlusse nicht beitretenden Vereinsstaates auszudehnen. Ferner räumen die kontrahierenden Staaten sich gegenseitig das Recht ein, zur Abwehr gefährlicher ansteckender Krankheiten für Menschen und Vieh die erforderlichen Maßregeln zu ergreifen. Im Verhältnisse von einem Vereinsstaate zu dem anderen dürfen jedoch keine hemmenderen Einrichtungen getroffen werden, als unter gleichen Umständen den inneren Verkehr des Landes treffen, welches sie anordnet.“ ‖ Mit Rücksicht auf die Entwickelung, welche die Gesetzgebung seit 1842 genommen hat, erschien es angezeigt, den Kreis der Fälle weiter auszudehnen, in denen die vertragschließenden Teile befugt sein sollen, bei dringendem Bedürfnisse Sperrmaßregeln zu verfügen. Andererseits ist nicht zu verkennen, daß die Durchführung von Sperrmaßregeln zwischen zollgeeinten Ländern schwierig und jedenfalls mit großen Kosten verknüpft ist, da eine Zollgrenze nicht besteht und daher auf die sonst so wirksame Mithilfe der Zollbeamten verzichtet werden muß. ‖ Auf diesen Erwägungen beruhen die Bestimmungen in den drei ersten Absätzen der Nr. V des Schlußprotokolls zum vorliegenden Vertrage. ‖ In dem ersten Absatze gibt Luxemburg, in Bestätigung einer von ihm schon bisher regelmäßig befolgten Praxis, die Zusage, sich den in Deutschland aus gesundheits- oder veterinärpolizeilichen Gründen oder zum Schutze von Nutzpflanzen ergehenden, gegen das Zollausland gerichteten Verboten oder Beschränkungen der Einfuhr, Ausfuhr oder Durchfuhr auch seinerseits anzuschließen. Hierdurch wird es Deutschland ermöglicht, von einer Sperrung der Grenze gegen Luxemburg so lange abzusehen, als nicht eine besondere Gefahr gerade aus Luxemburg selbst droht. ‖ Im zweiten Absatze wird als wünschenswert festgestellt, daß die beiderseitige Gesetzgebung hinsichtlich des Gesundheits- und Veterinärwesens, des Pflanzenschutzes und des Verkehrs mit Nahrungs- und Genußmitteln tunlichst in Übereinstimmung gebracht werde, um auch hierdurch Beschränkungen des wechselseitigen freien Verkehrs entbehrlich zu machen. Hierzu ist zu bemerken, daß schon bisher Luxemburg der einschlägigen deutschen Gesetzgebung nach Möglichkeit gefolgt ist. ‖ Der dritte Absatz endlich bestimmt, daß Verkehrsbeschränkungen, für die ein dringendes Bedürfnis besteht, und die sich nicht durch die Übereinstimmung der beiderseitigen Gesetzgebung erübrigen, außer aus den im Vertrage von 1842 genannten Gründen auch aus gesundheits- oder veterinärpolizeilichen Rücksichten aller Art, im Interesse des Pflanzenschutzes, zur Regelung des Verkehrs mit Nahrungs- oder Genußmitteln, zur Verhinderung unlauteren Wettbewerbes, zum Schutze des geistigen oder industriellen Eigentums oder zur Fernhaltung sicherheits- oder sittengefährlicher Gegenstände verfügt

werden dürfen. || Der letzte Absatz der Nr. V des Schlußprotokolls bezieht sich auf das luxemburgische Zollpersonal. Um die einheitliche Handhabung der Zollvorschriften zu sichern, hat Luxemburg in den Zollanschlußverträgen dem preußischen Finanzministerium eine gewisse Mitwirkung bei der Anstellung der Zollbeamten eingeräumt. Beispielsweise wird der Zolldirektor von der luxemburgischen Regierung auf Vorschlag des preußischen Finanzministeriums ernannt; vor der Ernennung des Rates bei der Zolldirektion hat eine Verständigung mit dem genannten Finanzministerium stattzufinden.

Ferner bestimmt unter anderem Ziffer IV_2 des Separatartikels 9 zum Vertrage vom 8. Februar 1842: || „Die in den Attributen der Großherzoglichen Regierung und der Zolldirektion liegenden Anstellungen, Beförderungen und Versetzungen können, insofern sie Beamte treffen, die aus der oben unter I. A. $_1$ erwähnten Pauschsumme ein höheres Diensteinkommen als 400 Tlr. erhalten, nur unter Zustimmung des Königlich Preußischen Finanzministeriums erfolgen.“ || Diese Bestimmung wird jetzt im vierten Absatze der Nr. V des Schlußprotokolls entsprechend der bisherigen Übung dahin ausgelegt, daß sie sich trotz der in den Gehaltsverhältnissen eingetretenen Veränderung und der danach möglichen Einbeziehung der unteren Aufsichtsbeamten nur auf die — mit den Assistenten beginnende — Klasse der mittleren Zollbeamten bezieht. Ferner wird das dabei einzuhaltende Verfahren dahin geregelt, daß vor der Anstellung, Beförderung oder Versetzung dieser Beamten dem preußischen Finanzministerium Gelegenheit zur Äußerung gegeben wird. Da Luxemburg die Vorschriften über die Ausbildung der mittleren Zollbeamten den in Preußen geltenden angepaßt hat, so erscheint das deutsche Interesse an der Besetzung der Zollbeamtenstellen in Luxemburg hierdurch genügend gewahrt.

Zu Artikel 12 des Vertrags und Nr. VI des Schlußprotokolls.

Nach Artikel 12 soll der vorliegende Vertrag mit dem Zeitpunkte der Auswechselung der Ratifikationsurkunden Geltung erlangen und von da ab an die Stelle des Vertrags von 1872 treten. Im zweiten Absatze der Nr. VI des Schlußprotokolls wird hierzu ergänzend bestimmt, daß die Bestimmungen des gegenwärtigen Vertrags auch in denjenigen Fällen an die Stelle der Bestimmungen des Vertrags von 1872 treten sollen, wo auf diese in noch in Kraft befindlichen anderen Abmachungen verwiesen ist, wie z. B. in Artikel VII Abs. 1 des die Linie von Esch an der Elz nach Deutsch-Oth und Redingen betreffenden Staatsvertrags vom 11. Oktober 1876 (Reichs-Gesetzbl. S. 234). || Der erste Absatz der Nr. VI des

Schlußprotokolls bringt zum Ausdrucke, daß bei Ablauf des vorliegenden Vertrags am 31. Dezember 1959, an welchem Termine die Konzessionen für die in Frage stehenden Eisenbahnstrecken erlöschen und diese der luxemburgischen Regierung heimfallen, die Eisenbahnstrecken von der Reichseisenbahnverwaltung nicht an die Wilhelm-Luxemburg-Eisenbahn-Gesellschaft, sondern unmittelbar an die luxemburgische Regierung übergeben werden sollen. Es entspricht dies der Verabredung mit der Wilhelm-Luxemburg-Eisenbahn-Gesellschaft im § 4 des Vertrags vom 16. Juli 1902.

Nr. 12759. GROSSBRITANNIEN und CHINA. — Handelsvertrag.

Shanghai, 5. September, 1902.

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and His Majesty the Emperor of China, having resolved to enter into negotiations with a view to carrying out the provision contained in Article 11 of the Final Protocol signed at Peking on the 7th September, 1901, under which the Chinese Government agreed to negotiate the amendments deemed useful by the foreign Governments to the Treaties of Commerce and Navigation and other subjects concerning commercial relations, with the object of facilitating them, have for that purpose named as their Plenipotentiaries, that is to say: — || His Majesty the King of Great Britain and Ireland, His Majesty's Special Commissioner, Sir James Lyle Mackay, Knight Commander of the Most Eminent Order of the Indian Empire, a member of the Council of the Secretary of State for India, &c.; || And His Majesty the Emperor of China, the Imperial Commissioners Lü Hai-huan, President of the Board of Public Works, &c., and Shêng Hsüan-huai, Junior Guardian of the Heir-Apparent, Senior Vice-President of the Board of Public Works, &c.; || Who, having communicated to each other their respective full powers, and found them to be in good and due form, have agreed upon and concluded the following Articles: —

Article I.

Delay having occurred in the past in the issue of Drawback Certificates owing to the fact that those documents have to be dealt with by the Superintendent of Customs at a distance from the Customs Office, it is now agreed that Drawback Certificates shall hereafter in all cases be issued by the Imperial Maritime Customs within three weeks of the presentation to the Customs of the papers entitling the applicant to

receive such Drawback Certificates. || These Certificates shall be valid tender to the Customs authorities in payment of any duty upon goods imported or exported (transit dues excepted), or shall, in the case of Drawbacks on foreign goods re-exported abroad within three years from the date of importation, be payable in cash without deduction by the Customs Bank at the place where the import duty was paid. || But if, in connection with any application for a Drawback Certificate, the Customs Authorities discover an attempt to defraud the revenue, the applicant shall be liable to a fine not exceeding five times the amount of the duty whereof he attempted to defraud the Customs, or to a confiscation of the goods.

Article II.

China agrees to take the necessary steps to provide for a uniform national coinage which shall be legal tender in payment of all duties, taxes, and other obligations throughout the Empire by British as well as Chinese subjects.

Article III.

China agrees that the duties and *li-kin* combined levied on goods carried by junks from Hong Kong to the Treaty ports in the Canton Province, and *vice versâ*, shall together not be less than the duties charged by the Imperial Maritime Customs on similar goods carried by steamer.

Article IV.

Whereas questions have arisen in the past concerning the right of Chinese subjects to invest money in non-Chinese enterprises and companies, and whereas it is a matter of common knowledge that large sums of Chinese capital are so invested, China hereby agrees to recognize the legality of all such investments, past, present, and future. || It being, moreover, of the utmost importance that all shareholders in a Joint-Stock Company should stand on a footing of perfect equality as far as mutual obligations are concerned, China further agrees that Chinese subjects who have or may become shareholders in any British Joint-Stock Company shall be held to have accepted, by the very act of becoming shareholders, the Charter of Incorporation or Memorandum and Articles of Association of such Company, and regulations framed thereunder as interpreted by British Courts, and that Chinese Courts shall enforce compliance therewith by such Chinese shareholders, if a suit to that effect be entered, provided always that their liability shall not be other or greater than that of British shareholders in the same Company. || Similarly the British Government agree that British subjects investing in

Chinese Companies shall be under the same obligations as the Chinese shareholders in such Companies. || The foregoing shall not apply to cases which have already been before the Courts and been dismissed.

Article V.

The Chinese Government undertake to remove within the next two years the artificial obstructions to navigation in the Canton River. The Chinese Government also agree to improve the accommodation for shipping in the harbour of Canton, and to take the necessary steps to maintain that improvement, such work to be carried out by the Imperial Maritime Customs, and the cost thereof to be defrayed by a tax on goods landed and shipped by British and Chinese alike according to a scale to be arranged between the merchants and Customs. || The Chinese Government are aware of the desirability of improving the navigability by steamer of the waterway between Ichang and Chungking, but are also fully aware that such improvement might involve heavy expense, and would affect the interests of the population of the Provinces of Szechuen, Hunan, and Hupeh. It is, therefore, mutually agreed that until improvements can be carried out steamship owners shall be allowed, subject to approval by the Imperial Maritime Customs, to erect, at their own expense, appliances for hauling through the rapids. Such appliances shall be at the disposal of all vessels, both steamers and junks, subject to regulations to be drawn up by the Imperial Maritime Customs. These appliances shall not obstruct the waterway or interfere with the free passage of junks. Signal stations and channel marks where and when necessary shall be erected by the Imperial Maritime Customs. Should any practical scheme be presented for improving the waterway and assisting navigation without injury to the local population or cost to the Chinese Government, it shall be considered by the latter in a friendly spirit.

Article VI.

The Chinese Government agree to make arrangements to give increased facilities at the open ports for bonding and for repacking merchandise in bond, and, on official representation being made by the British Authorities, to grant the privileges of a bonded warehouse to any warehouse which it is established to the satisfaction of the Customs Authorities affords the necessary security to the revenue. || Such warehouses will be subject to regulations, including a scale of fees according to commodities, distance from Custom-House, and hours of working, to be drawn up by the Customs Authorities, who will meet the convenience of merchants so far as is compatible with the protection of the revenue.

Article VII.

Inasmuch as the British Government afford protection to Chinese trade marks against infringement, imitation, or colourable imitation by British subjects, the Chinese Government undertake to afford protection to British trade marks against infringement, imitation, or colourable imitation by Chinese subjects. || The Chinese Government further undertake that the Superintendents of Northern and of Southern trade shall establish offices within their respective jurisdictions under control of the Imperial Maritime Customs, where foreign trade marks may be registered on payment of a reasonable fee.

Article VIII.

Preamble.

The Chinese Government, recognizing that the system of levying *li-kin* and other dues on goods at the place of production, in transit, and at destination, impedes the free circulation of commodities and injures the interests of trade, hereby undertake to discard completely those means of raising revenue with the limitation mentioned in Section 8. || The British Government, in return, consent to allow a surtax in excess of the Tariff rates for the time being in force to be imposed on foreign goods imported by British subjects and a surtax in addition to the export duty on Chinese produce destined for export abroad or coastwise. || It is clearly understood that, after *li-kin* barriers and other stations for taxing goods in transit have been removed, no attempt shall be made to revive them in any form or under any pretext whatsoever; that in no case shall the surtax on foreign imports exceed the equivalent of one and a-half times the import duty leviable in terms of the Final Protocol signed by China and the Powers on the 7th day of September, 1901; that payment of the import duty and surtax shall secure for foreign imports, whether in the hands of Chinese or non-Chinese subject, in original packages or otherwise, complete immunity from all other taxation, examination, or delay; that the total amount of taxation leviable on native produce for export abroad shall, under no circumstances, exceed 7 $^1/_2$ per cent. *ad valorem.* || Keeping these fundamental principles steadily in view, the High Contracting Parties have agreed upon the following methods of procedure: — || Section 1. The Chinese Government undertake that all barriers of whatsoever kind, collecting *li-kin* or such like dues or duties, shall be permanently abolished on all roads, railways, and waterways in the Eighteen Provinces of China and the Three Eastern Provinces. This provision does not apply to the Native Custom-Houses at present in existence on

the seaboard or waterways, at Open Ports, on land routes, and on land frontiers of China. || Sec. 2. The British Government agree that foreign goods on importation, in addition to the effective 5 per cent. import duty as provided for in the Protocol of 1901, shall pay a special surtax equivalent to one and a-half times the said duty to compensate for the abolition of *li-kin*, of transit dues in lieu of *li-kin*, and of all other taxation on foreign goods, and in consideration of the other reforms provided for in this Article; but this provision shall not impair the right of China to tax salt, native opium, and native produce as provided for in Sections 3, 5, 6, and 8. || The same amount of surtax shall be levied on goods imported into the Eighteen Provinces of China and the Three Eastern Provinces across the land frontiers as on goods entering China by sea. || Sec. 3. All Native Custom-Houses now existing, whether at the Open Ports, on the seaboard, on rivers, inland waterways, land routes or land frontiers, as enumerated in the Hu Pu and Kung Pu *Tse Li* (Regulations of the Boards of Revenue and Works) and *Ta Ch'ing Hui Tien* (Dynastic Institutes), may remain; a list of the same, with their location, shall be furnished to the British Government for purposes of record. || Wherever there are Imperial Maritime Custom-houses, or wherever such may be hereafter placed, Native Custom-Houses may be also established, as well as at any points either on the seaboard or land frontiers. || The location of Native Custom-Houses in the Interior may be changed as the circumstances of trade seem to require, but any change must be communicated to the British Government, so that the list may be corrected; the originally stated number of them shall not, however, be exceeded. || Goods carried by junks or sailing-vessels trading to or from Open Ports shall not pay lower duties than the combined duties and surtax on similar cargo carried by steamers. || Native produce, when transported from one place to another in the Interior, shall, on arrival at the first Native Custom-House after leaving the place of production, pay duty equivalent to the export surtax mentioned in Section 7. || When this duty has been paid, a certificate shall be given which shall describe the nature of the goods, weight, number of packages, &., amount of duty paid, and intended destination. This certificate, which shall be valid for a fixed period of not less than one year from date of payment of duty, shall free the goods from all taxation, examination, delay, or stoppage at any other Native Custom-Houses passed *en route*. || If the goods are taken to a place not in the foreign settlements or concessions of an Open Port, for local use, they become there liable to the Consumption Tax described in Section 8. || If the goods are shipped from an Open Port, the certificate is

to be accepted by the Custom-House concerned in lieu of the export surtax mentioned in Section 7. || Junks, boats, or carts shall not be subjected to any taxation beyond a small and reasonable charge, paid periodically at a fixed annual rate. This does not exclude the right to levy, as at present, tonnage (Chuan Chao) and port dues (Chuan Liao) on junks. || Sec. 4. Foreign opium duty and present *li-kin* — which latter will now become a surtax in lieu of *li-kin* — shall remain as provided for by existing treaties. || Sec. 5. The British Government have no intention whatever of interfering with China's right to tax native opium, but it is essential to declare that, in her arrangements for levying such taxation, China will not subject other goods to taxation, delay, or stoppage. || China is free to retain at important points on the borders of each province — either on land or water — offices for collecting duty on native opium, where duties or contributions leviable shall be paid in one lump sum; which payment shall cover taxation of all kinds within that province. Each cake of opium will have a stamp affixed as evidence of duty payment. Excise officers and police may be employed in connection with these offices; but no barriers or other obstructions are to be erected, and the Excise officers or police of these offices shall not stop or molest any other kinds of goods, or collect taxes thereon. || A list of these offices shall be drawn up and communicated to the British Government for record. || Sec. 6. *Li-kin* on salt is hereby abolished and the amount of said *li-kin* and of other taxes and contributions shall be added to the salt duty, which shall be collected at place of production or at first station after entering the province where it is to be consumed. || The Chinese Government shall be at liberty to establish salt reporting offices at which boats conveying salt which is being moved under salt passes or certificates may be required to stop for purposes of examination, and to have their certificates *viséd*, but at such offices no *li-kin* or transit taxation shall be levied and no barriers or obstructions of any kind shall be erected.

Sec. 7. The Chinese Government may recast the Export Tariff with specific duties, as far as practicable, on a scale not exceeding 5 per cent. *ad valorem*; but existing export duties shall not be raised until at least six months' notice has been given. || In cases where existing export duties are above 5 per cent. they shall be reduced to not more than that rate. || An additional special surtax of one half the export duty payable for the time being, in lieu of internal taxation and *li-kin*, may be levied at time of export on goods exported either to foreign countries or coastwise. || In the case of silk, whether hand or filature reeled, the total export

duty shall not exceed a specific rate equivalent to not more than 5 per cent. *ad valorem.* Half of this specific duty may be levied at the first Native Custom-House in the interior which the silk may pass, and in such case a certificate shall be given as provided for in section 3, and will be accepted by the Custom-House concerned at place of export in lieu of half the export duty. Cocoons passing Native Custom-Houses shall be liable to no taxation whatever. Silk not exported, but consumed in China, is liable to the consumption tax mentioned, and under conditions mentioned, in section 8. || Sec. 8. The abolition of the *li-kin* system in China, and the abandonment of all other kinds of internal taxation on foreign imports and on exports, will diminish the revenue materially. The surtax on foreign imports and exports and on coastwise exports is intended to compensate in a measure for this loss of revenue, but there remains the loss of *li-kin* revenue on internal trade to be met, and it is therefore agreed that the Chinese Government are at liberty to impose a Consumption Tax on articles of Chinese origin not intended for export. || This tax shall be levied only at places of consumption, and not on goods while in transit, and the Chinese Government solemnly undertake that the arrangements which they may make for its collection shall in no way interfere with foreign goods or with native goods for export. The fact of goods being of foreign origin shall of itself free them from all taxation, delay, or stoppage after having passed the Custom-House. || Foreign goods which bear a similarity to native goods shall be furnished by the Custom-House, if required by the owner, with a protective certificate for each package, on payment of import duty and surtax, to prevent the risk of any dispute in the Interior. || Native goods brought by junks to Open Ports, if intended for local consumption — irrespective of the nationality of the owner of the goods — shall be reported at the Native Custom-House only, where the consumption tax may be levied. || China is at liberty to fix the amount of this (consumption) tax, which may vary according to the nature of the merchandise concerned, that is to say, according as the articles are necessaries of life or luxuries; but it shall be levied at a uniform rate on goods of the same description, no matter whether carried by junk, sailing-vessel, or steamer. As mentioned in Section 3, the Consumption Tax is not to be levied within foreign settlements or concessions. || Sec. 9. An excise equivalent to double the import duty as laid down in the Protocol of 1901 is to be charged on all machine-made yarn and cloth manufactured in China, whether by foreigners at the Open Ports or by Chinese anywhere in China. || A rebate of the import duty and two-thirds of the Import Surtax is to be given

on raw cotton imported from foreign countries, and of all duties, including Consumption Tax, paid on Chinese raw cotton used in mills in China. || Chinese machine-made yarn or cloth having paid excise is to be free of Export Duty, Export Surtax, Coast-Trade Duty, and Consumption Tax. This Excise is to be collected through the Imperial Maritime Customs. || The same principle and procedure are to be applied to all other products of foreign type turned out by machinery, whether by foreigners at the Open Ports or by Chinese anywhere in China. || This stipulation is not to apply to the outturn of the Hanyang and Ta Yeh Iron Works in Hupeh and other similar existing Government works at present exempt from taxation; or to that of Arsenals, Government Dockyards, or establishments of that nature, for Government purposes which may hereafter be erected. || Sec. 10. A member or members of the Imperial Maritime Customs Foreign Staff shall be selected by each of the Governors-General and Governors, and appointed, in consultation with the Inspector-General of Imperial Maritime Customs to each province for duty in connection with Native Customs Affairs, Consumption Tax, Salt, and Native Opium Taxes. These officers shall exercise an efficient supervision of the working of these departments, and in the event of their reporting any case of abuse, illegal exaction, obstruction to the movement of goods, or other cause of complaint, the Governor-General or Governor concerned will take immediate steps to put an end to same. || Sec. 11. Cases where illegal action as described in this Article is complained of shall be promptly investigated by an officer of the Chinese Government of sufficiently high rank, in conjunction with a British officer and an officer of the Imperial Maritime Customs, each of sufficient standing; and in the event of its being found by a majority of the investigating officers that the complaint is well founded, and loss has been incurred, due compensation is to be at once paid from the Surtax funds, through the Imperial Maritime Customs at the nearest open port. The High Provincial Officials are to be held responsible that the officer guilty of the illegal action shall be severely punished and removed from his post. || If the complaint turns out to be without foundation, complainant shall be held responsible for the expenses of the investigation. || His Britannic Majesty's Minister will have the right to demand investigation where, from the evidence before him, he is satisfied that illegal exactions or obstructions have occurred.

Sec. 12. The Chinese Government agree to open to foreign trade, on the same footing as the places opened to foreign trade by the Treaties of Nanking and Tien-tsin, the following places, namely: — || Ch'angsha,

in Hunan; || Wanhsien, in Szechuen; || Nganking, in Anhui; || Waichow (Hui-chow), in Kuangtung; and || Kongmoon (Chiang-mên), in Kuangtung. || Foreigners residing in these Open Ports are to observe the Municipal and Police Regulations on the same footing as Chinese residents, and they are not to be entitled to establish Municipalities and Police of their own within the limits of these Treaty ports, except with the consent of the Chinese authorities. || If this Article does not come into operation, the right to demand under it the opening of these ports, with the exception of Kongmoon, which is provided for in Article X, shall lapse. || Sec. 13. Subject to the provisions of Section 14, the arrangements provided for in this Article are to come into force on the 1st January, 1904. || By that date all *li-kin* barriers shall be removed, and officials employed in the collection of taxes and dues prohibited by this Article shall be removed from their posts. || Sec. 14. The condition on which the Chinese Government enter into the present engagement is that all Powers entitled to most-favoured-nation treatment in China enter into the same engagements as Great Britain with regard to the payment of surtaxes and other obligations imposed by this Article on His Britannic Majesty's Government and subjects. || The conditions on which His Britannic Majesty's Government enter into the present engagement are — || (1.) That all Powers who are now or who may hereafter become entitled to most-favoured-nation treatment in China enter into the same engagements; || (2.) And that their assent is neither directly nor indirectly made dependent on the granting by China of any political concession, or of any exclusive commercial concession. || Section 15. Should the Powers entitled to most-favoured-nation treatment by China have failed to agree to enter into the engagements undertaken by Great Britain under this Article by the 1st January, 1904, then the provisions of the Article shall only come into force when all the Powers have signified their acceptance of these engagements. || Section 16. When the abolition of *li-kin* and other forms of internal taxation on goods as provided for in this Article has been decided upon and sanctioned, an Imperial Edict shall be published in due form on yellow paper and circulated, setting forth the abolition of all *li-kin* taxation, *li-kin* barriers and all descriptions of internal taxation on goods, except as provided for in this Article. || The Edict shall state that the Provincial High Officials are responsible that any official disregarding the letter or spirit of its injunction shall be severely punished and removed from his post.

Article IX.

The Chinese Government, recognizing that it is advantageous for the country to develop its mineral resources, and that it is desirable to attract foreign as well as Chinese capital to embark in mining enterprises, agree within one year from the signing of this Treaty to initiate and conclude the revision of the existing Mining Regulations. China will, with all expedition and earnestness, go into the whole question of Mining Rules, and, selecting from the rules of Great Britain, India, and other countries regulations which seem applicable to the condition of China, she will recast her present Mining Rules in such a way as, while promoting the interests of Chinese subjects and not injuring in any way the sovereign rights of China, shall offer no impediment to the attraction of foreign capital or place foreign capitalists at a greater disadvantage than they would be under generally-accepted foreign Regulations. || Any mining concession granted after the publication of these new Rules shall be subject to their provisions.

Article X.

Whereas in the year 1898 the Inland Waters of China were opened to all such steam vessels, native or foreign, as might be especially registered for that trade at the Treaty ports, and whereas the Regulations dated the 28th July, 1898, and Supplementary Rules dated September 1898, have been found in some respects inconvenient in working, it is now mutually agreed to amend them and to annex such new Rules to this Treaty. These Rules shall remain in force until altered by mutual consent. || It is further agreed that Kongmoon shall be opened as a Treaty Port, and that, in addition to the places named in the special Article of the Burmah Convention of the 4th February, 1897, British steamers shall be allowed to land or ship cargo and passengers, under the same regulations as apply to the „Ports of Call" on the Yang-tsze River, at the following „Ports of Call": Pak Tau Hau (Pai-t'u k'ou), Lo Ting Hau (Lo-ting k'ou), and Do Sing (Tou-ch'êng); and to land or discharge passengers at the following ten passenger landing stages on the West River: — Yung Ki (Jung-chi), Mah Ning (Ma-ning), Kau Kong (Chiu-chiang), Kulow (Ku-lao), Wing On (Yung-an), How Lik (Hou-li), Luk Pu (Lu-pu), Yuet Sing (Yüeh-ch'eng), Luk To (Lu-tu), and Fung Chuen (Fêng-ch'uan).

Article XI.

His Britannic Majesty's Government agree to the prohibition of the general importation of morphia into China, on condition, however, that

the Chinese Government will allow of its importation, on payment of the Tariff import duty and under special permit, by duly qualified British medical practitioners and for the use of hospitals, or by British chemists and druggists who shall only be permitted to sell it in small quantities and on receipt of a requisition signed by a duly qualified foreign medical practitioner. ‖ The special permits above referred to will be granted to an intending importer on his signing a bond before a British Consul guaranteeing the fulfilment of these conditions. Should an importer be found guilty before a British Consul of a breach of his bond, he will not be entitled to take out another permit. Any British subject importing morphia without a permit shall be liable to have such morphia confiscated. ‖ This Article will come into operation on all other Treaty Powers agreeing to its conditions, but any morphia actually shipped before that date will not be affected by this prohibition. ‖ The Chinese Government, on their side, undertake to adopt measures at once to prevent the manufacture of morphia in China.

Article XII.

China having expressed a strong desire to reform her judicial system and to bring it into accord with that of Western nations, Great Britain agrees to give every assistance to such reform, and she will also be prepared to relinquish her extra-territorial rights when she is satisfied that the state of the Chinese laws, the arrangement for their administration, and other considerations warrant her in so doing.

Article XIII.

The missionary question in China being, in the opinion of the Chinese Government, one requiring careful consideration, so that, if possible, troubles such as have occurred in the past may be averted in the future, Great Britain agrees to join in a Commission to investigate this question, and, if possible, to devise means for securing permanent peace between converts and non-converts, should such a Commission be formed by China and the Treaty Powers interested.

Article XIV.

Whereas under Rule V appended to the Treaty of Tien-tsin of 1858 British merchants are permitted to export rice and all other grain from one port of China to another under the same conditions in respect of security as copper „cash,“ it is now agreed that in cases of expected scarcity or famine, from whatsoever cause, in any district, the Chinese Govern-

ment shall, on giving twenty-one days' notice, be at liberty to prohibit the shipment of rice and other grain from such district. || Should any vessel specially chartered to load rice or grain previously contracted for, have arrived at her loading port prior to or on the day when a notice of prohibition to export comes into force she shall be allowed an extra week in which to ship her cargo. || If, during the existence of this prohibition, any shipment of rice or grain is allowed by the authorities, the prohibition shall, *ipso facto*, be considered cancelled, and shall not be reimposed until six weeks' notice has been given. || When a prohibition is notified, it will be stated whether the Government have any Tribute or Army Rice which they intend to ship during the time of prohibition, and, if so, the quantity shall be named. || Such rice shall not be included in the prohibition, and the Customs shall keep a record of any Tribute or Army Rice so shipped or landed. || The Chinese Government undertake that no rice, other than Tribute or Army Rice belonging to the Government, shall be shipped during the period of prohibition. || Notifications of prohibitions and of the quantities of Army or Tribute Rice for shipment shall be made by the Governors of the provinces concerned. || Similarly, notifications of the removals of prohibitions shall be made by the same authorities. || The export of rice and other grain to foreign countries remains prohibited.

Article XV.

It is agreed that either of the High Contracting Parties to this Treaty may demand a revision of the Tariff at the end of ten years; but if no demand be made on either side within six months after the end of the first ten years, then the Tariff shall remain in force for ten years more, reckoned from the end of the preceding ten years, and so it shall be at the end of each successive ten years. || Any Tariff concession which China may hereafter accord to articles of the produce or manufacture of any other State shall immediately be extended to similar articles of the produce or manufacture of His Britannic Majesty's Dominions by whomsoever imported. || Treaties already existing between the United Kingdom and China shall continue in force in so far as they are not abrogated or modified by stipulations of the present Treaty.

Article XVI.

The English and Chinese Texts of the present Treaty have been carefully compared, but in the event of there being any difference of meaning between them, the sense as expressed in the English text shall be held to be the correct sense. || The ratifications of this Treaty, under

the hand of His Majesty the King of Great Britain and Ireland and of His Majesty the Emperor of China respectively, shall be exchanged at Peking within a year from this day of signature. || In token whereof the respective Plenipotentiaries have signed and sealed this Treaty — two copies in English and two in Chinese. || Done at Shanghae, this 5th day of September, in the year of our Lord 1902, corresponding with the Chinese date the 4th day of the 8th moon of the 28th year of Kwang Hsü.

(L. S.) Jas. L. Mackay.

(Signature of his Excellency Lü Hai-huan.)

(Signature of his Excellency Shêng Hsüan-huai.)

(Seal of the Chinese Plenipotentiaries.)

Annex A (1).

(Translation.) || Lü, President of the Board of Works; || Shêng, Junior Guardian of the Heir-Apparent, Vice-President of the Board of Works; || Imperial Chinese Commissioners for dealing with the questions connected with the Commercial Treaties; to || Sir James Mackay, His Britannic Majesty's Special Commissioner for the discussion of Treaty matters.

Shanghae, K. H. xxviii, 7th moon 11th day (received August 15, 1902).

We have the honour to inform you that we have received the following telegram from his Excellency Liu, Governor-General of the Liang Chiang, on the subject of clause 2, mutually agreed upon by us: — || „As regards this clause, it is necessary to insert therein a clear stipulation to the effect that, no matter what changes may take place in the future, all customs duties must continue to be calculated on the basis of the existing higher rate of the Haikwan tael over the Treasury tael, and that the ‚touch‘ and weight of the former must be made good.“ || As we have already arranged with you that a declaration of this kind should be embodied in an official Note, and form an annex to the present Treaty, for purposes of record, we hereby do ourselves the honour to make this communication.

(Seal of the Imperial Commissioners for dealing with questions connected with Treaty Revision.)

Annex A (2).

Shanghae, August 18, 1902.

Gentlemen, || I have the honour to acknowledge the receipt of your despatch of the 14th instant, forwarding copy of a telegram from his Excellency Liu, Governor-General of the Liang Chiang, on the subject

of Article II of the new Treaty, and, in reply, I have the honour to state that his Excellency's understanding of the Article is perfectly correct. || I presume the Chinese Government will make arrangements for the coinage of a national silver coin of such weight and touch as may be decided upon by them. These coins will be made available to the public in return for a quantity of silver bullion of equivalent weight and fineness, plus the usual mintage charge. || The coins, which will become the national coinage of China, will be declared by the Chinese Government to be legal tender in payment of Customs duty and in discharge of obligations contracted in Haikwan taels, but only at their proportionate value to the Haikwan tael, whatever that may be.

I have, &c.

Their Excellencies (Signed) Jas. L. Mackay.
Lü Hai-huan and Shêng Hsüan-huai,
&c. &c. &c.

Annex B (1).

(Translation.) || Lü, President of the Board of Works; || Shêng, Junior Guardian of the Heir-Apparent, Vice-President of Board of Works; || Imperial Chinese Commissioners for dealing with questions connected with the Commercial Treaties; to || Sir James L. Mackay, His Britannic Majesty's Special Commissioner.

Shanghae, September 2, 1902.

We have the honour to inform you that on the 22nd August we, in conjunction with the Governors-General of the Liang Chiang and the Hukuang Provinces, their Excellencies Liu and Chang, addressed the following telegraphic Memorial to the Throne: — || „Of the revenue of the different provinces derived from *li-kin* of all kinds, a portion is appropriated for the services of the foreign loans, a portion for the Peking Government, and the balance is reserved for the local expenditure of the provinces concerned. || „In the negotiations now being conducted with Great Britain for the amendment of the Commercial Treaties, a mutual arrangement has been come to providing for the imposition of additional taxes, in compensation for the abolition of all kinds of *li-kin* and other imposts on goods prohibited by Article VIII. After payment of interest and sinking fund on the existing foreign loan to the extent to which *li-kin* is thereto pledged, these additional taxes shall be allocated to the various provinces to make up deficiencies and replace revenue, in order that no hardships may be entailed on them. With a view to preserving the original intention underlying the proposal to increase the duties in

compensation for the loss of revenue derived from *li-kin* and other imposts on goods, it is further stipulated that the surtaxes shall not be appropriated for other purposes, shall not form part of the Imperial Maritime Customs revenue proper, and shall in no case be pledged as security for any new foreign loan. || „It is therefore necessary to memorialize for the issue of an Edict, giving effect to the above stipulations and directing the Board of Revenue to find out what proportion of the provincial revenues derived from *li-kin* of all kinds, now about to be abolished, each Province has hitherto had to remit, and what proportion it has been entitled to retain, so that, when the Article comes into operation, due apportionment may be made accordingly, thus providing the provinces with funds available for local expenditure, and displaying equitable and just treatment towards all.“ || On the 1st instant an Imperial Decree „Let action, as requested, be taken“ was issued, and we now do ourselves the honour reverently to transcribe the same for your information.

(Seal of the Imperial Commissioners for dealing with questions connected with Treaty Revision.)

Annex B (2).

Shanghae, September 5, 1902.

Gentlemen, || I have the honour to acknowledge the receipt of your despatch of the 2nd instant forwarding the text of the Memorial and Decree dealing with the disposal of the surtaxes. || I understand that the surtaxes, in addition to not being pledged for any new foreign loan, are not to be pledged to, or held to be security for, liabilities already contracted by China except in so far as *li-kin* revenue has already been pledged to an existing loan. || I also understand from the Memorial that the whole of the surtaxes provided by Article VIII of the New Treaty goes to the Provinces in proportions to be agreed upon between them and the Board of Revenue, but that out of these surtaxes each Province is obliged to remit to Peking the same contribution as that which it has hitherto remitted out of its *li-kin* collections, and that the Provinces also provide as hitherto out of these surtax funds whatever may be necessary for the service of the foreign loan to which *li-kin* is partly pledged. || I hope your Excellencies will send me a reply to this despatch, and that you will agree to this correspondence forming part of the Treaty as an Annex.

I have, &c.

(Signed) Jas. L. Mackay.

Their Excellencies
Lü Hai-huan and Shêng Hsüan-huai,
&c. &c. &c.

Annex B (3).

(Translation.) || Lü, President of the Board of Works; || Shêng, Junior Guardian of the Heir-Apparent, Vice-President of the Board of Works; || Imperial Chinese Commissioners for dealing with questions connected with the Commercial Treaties; to || Sir James L. Mackay, His Britannic Majesty's Special Commissioner.

Shanghae, September 5, 1902.

We have the honour to acknowledge the receipt of your communication of to-day's date with regard to the allocation of the surtax funds allotted to the Provinces, and to inform you that the views therein expressed are the same as our own. || We would, however, wish to point out that, were the whole amount of the allocation due paid over to the Provinces, unnecessary expense would be incurred in the retransmission by them of such portions thereof as would have to be remitted to Peking in place of the contributions hitherto payable out of *li-kin* revenue. The amount, therefore, of the allocation due to the Provinces, arranged between them and the Board of Revenue, will be retained in the hands of the Maritime Customs, who will await the instructions of the provinces in regard to the remittance of such portion thereof as may be necessary to fulfil their obligations, and (on receipt of these instructions) will send forward the amount direct. The balance will be held to the order of the Provinces. || In so far as *li-kin* is pledged to the service of the 1898 loan, a similar method of procedure will be adopted. || As you request that this correspondence be annexed to the Treaty, we have the honour to state that we see no objection to this being done.

(Seal of the Imperial Commissioners for dealing with questions connected with Treaty Revision.)

Annex C.

Inland Waters Steam Navigation.

Additional Rules.

1. British steam-ship owners are at liberty to lease warehouses and jetties on the banks of waterways from Chinese subjects for a term not exceeding twenty-five years, with option of renewal on terms to be mutually arranged. In cases where British merchants are unable to secure warehouses and jetties from Chinese subjects on satisfactory terms, the local officials, after consultation with the Minister of Commerce, shall arrange to provide these on renewable lease, as above mentioned, at current equitable rates. || 2. Jetties shall only be erected in such positions

that they will not obstruct the inland waterway or interfere with navigation, and with the sanction of the nearest Commissioner of Customs; such sanction, however, shall not be arbitrarily withheld. || 3. British merchants shall pay taxes and contributions on these warehouses and jetties on the same footing as Chinese proprietors of similar properties in the neighbourhood. British merchants may only employ Chinese agents and staff to reside in warehouses so leased at places touched at by steamers engaged in inland traffic to carry on their business; but British merchants may visit these places from time to time to look after their affairs. The existing rights of Chinese jurisdiction over Chinese subjects shall not by reason of this clause be diminished or interfered with in any way. || 4. Steam-vessels navigating the inland waterways of China shall be responsible for loss caused to riparian proprietors by damage which they may do to the banks or works on them, and for the loss which may be caused by such damage. In the event of China desiring to prohibit the use of some particular shallow waterway by launches, because there is reason to fear that the use of it by them would be likely to injure the banks and cause damage to the adjoining country, the British authorities, when appealed to, shall, if satisfied of the validity of the objection, prohibit the use of that waterway by British launches, provided that Chinese launches are also prohibited from using it. || Both foreign and Chinese launches are prohibited from crossing dams and weirs at present in existence on inland waterways where they are likely to cause injury to such works, which would be detrimental to the water service of the local people. || 5. The main object of the British Government in desiring to see the inland waterways of China opened to steam navigation being to afford facilities for the rapid transport of both foreign and native merchandise, they undertake to offer no impediment to the transfer to a Chinese Company and the Chinese flag of any British steamer which may now or hereafter be employed on the inland waters of China, should the owner be willing to make the transfer. || In the event of a Chinese Company registered under Chinese law being formed to run steamers on the inland waters of China, the fact of British subjects holding shares in such a Company shall not entitle the steamers to fly the British flag. || 6. Registered steamers and their tows are forbidden, just as junks have always been forbidden, to carry contraband goods. Infraction of this rule will entail the penalties prescribed in the Treaties for such an offence, and cancellation of the Inland Waters Navigation Certificate carried by the vessels, which will be prohibited from thereafter plying on inland waters. || 7. As it is desirable

that the people living inland should be disturbed as little as possible by the advent of steam-vessels to which they are not accustomed, inland waters not hitherto frequented by steamers shall be opened as gradually as may be convenient to merchants and only as the owners of steamers may see prospect of remunerative trade. || In cases where it is intended to run steam-vessels on waterways on which such vessels have not hitherto run, intimation shall be made to the Commissioner of Customs at the nearest open port, who shall report the matter to the Ministers of Commerce. The latter, in conjunction with the Governor-General or the Governor of the Province, after careful consideration of all the circumstances of the case, shall at once give their approval. || 8. A registered steamer may ply within the waters of a port, or from one open port or ports to another open port or ports, or from one open port or ports to places inland, and thence back to such port or ports. She may, on making due report to the Customs, land or ship passengers or cargo at any recognized places of trade passed in the course of the voyage; but may not ply between inland places exclusively except with the consent of the Chinese Government. || 9. Any cargo and passenger boats may be towed by steamers. The helmsman and crew of any boat towed shall be Chinese. All boats, irrespective of ownership, must be registered before they can proceed inland. || 10. These Rules are supplementary to the Inland Steam Navigation Regulations of July and September, 1898. The latter, where untouched by the present Rules, remain in full force and effect, but the present Rules hold in the case of such of the former Regulations as the present Rules affect. The present Rules and the Regulations of July and September, 1898, to which they are supplementary, are provisional, and may be modified, as circumstances require, by mutual consent.

Done at Shanghae this 5th day of September in the year of our Lord, 1902; corresponding with the Chinese date, the 4th day of the 8th moon of the 28th year of Kwang Hsü.

(L. S.) Jas. L. Mackay.

(Signature of his Excellency Lü Hai-huan.)
(Signature of his Excellency Shêng Hsüan-huai.)
(Seal of the Chinese Plenipotentiaries.)

Nr. 12760. **GROSSBRITANNIEN und DÄNEMARK.** — Abkommen zur Regelung der Fischerei bei den Farör-Inseln und Island.

Convention between the United Kingdom and Denmark for regulating the fisheries outside territorial waters in the Ocean surrounding the Faröe Islands and Iceland.

London, June 24, 1901.

His Majesty the King of the United Kingdom of Great Britain and Ireland and His Majesty the King of Denmark, being desirous of regulating the fisheries of their respective subjects outside Danish territorial waters in the ocean surrounding the Faröe Islands and Iceland, have resolved to conclude for this purpose a Convention, and have named their Plenipotentiaries as follows: — || His Majesty the King of the United Kingdom of Great Britain and Ireland, the Most Honourable Henry Charles Keith Petty Fitz-Maurice, Marquess of Lansdowne, Earl Wycombe, Viscount Caln and Calnstone and Lord Wycombe, Baron of Chipping Wycombe, Baron Nairne, Earl of Kerry and Earl of Shelburne, Viscount Clanmaurice and Fitzmaurice, Baron of Kerry, Lixnaw, and Dunkerron; a Peer of the United Kingdom of Great Britain and Ireland, a Member of His Majesty's Most Honourable Privy Council, Knight of the Most Noble Order of the Garter, &c., &c., &c., His Majesty's Principal Secretary of State for Foreign Affairs; || His Majesty the King of Denmark, Mr. Frants Ernst de Bille, his Chamberlain and Envoy Extraordinary and Minister Plenipotentiary at London, Grand Cross of the Order of Danebrog, and decorated with the Silver Cross of the same Order, &c.; || Who, after having communicated the one to the other their full powers, found in good and due form, have agreed upon the following Articles:

Article I.

The provisions of the present Convention, the object of which is to regulate the police of the fisheries in the ocean surrounding the Faröe Islands and Iceland outside the territorial waters of these islands, shall apply to the subjects of the High Contracting Parties.

Article II.

The subjects of His Majesty the King of Denmark shall enjoy the exclusive right of fishery within the distance of 3 miles from low-water mark along the whole extent of the coasts of the said islands, as well as of the dependent islets, rocks, and banks. || As regards bays, the dis-

tance of 3 miles shall be measured from a straight line drawn across the bay, in the part nearest the entrance, at the first point where the width does not exceed 10 miles. || The present Article shall not prejudice the freedom of navigation or anchorage in territorial waters accorded to fishing boats, provided they conform to the Danish Police Regulations ruling this matter, amongst others the one stipulating that trawling vessels, while sojourning in territorial waters, shall have their trawling gear stowed away in-board.

Article III.

The miles mentioned in the preceding Article are geographical miles, whereof 60 make a degree of latitude.

Article IV.

The geographical limits for the application of the present Convention shall be fixed as follows: — || On the south by a line commencing from where the meridian of North Unst Lighthouse (Shetland Islands) meets the parallel of 61st degree of north latitude to a point where the 9th meridian of west longitude meets the parallel of 60° north latitude, and from thence westward along that parallel to the meridian of 27° west longitude. || On the west by the meridian of 27° west longitude. On the north by the parallel of 67° 30′ of north latitude. || On the east by the meridian of the North Unst Lighthouse. || The aforesaid limits are shown on the chart appended to the present Convention.

Article V.

The fishing boats of the High Contracting Parties shall be registered in accordance with the administrative Regulations in force in their respective countries. || For each port there shall be a consecutive series of numbers, preceded by one or two initial letters, which shall be specified by the superior competent authority. || Each Government shall draw up a list showing these initial letters. || This list, together with all modifications which may subsequently be made in it, shall be notified to the other Government.

Article VI.

Fishing boats shall bear the initial letter or letters of the port to which they belong, and the registry number in the series of numbers for that port.

Article VII.

The name of each fishing boat and that of the port to which she belongs shall be painted in white oil colour on a black ground on the

stern of the boat, in letters which shall be at least 8 centim. in height and 12 millim. in breadth.

Article VIII.

The letter or letters and numbers which shall have been assigned to a vessel on its registration shall be painted in white oil colour on a black ground, and so as to be clearly visible on each bow of the vessel, 8 or 10 centim. below the gunwale, provided the space admit it. The letters and numbers of vessels of 15 tons' burden (gross tonnage) and upwards shall be 45 centim. in height and 6 centim. in breadth. || For boats of less than 15 tons' burden (gross tonnage) the dimensions shall, if possible, be 25 centim. in height and 4 centim. in breadth. || The same letters and numbers shall also be painted in oil colour on each side of the mainsail of the boat immediately above the close reef, and in such a manner as to be plainly visible, they shall be painted on white sails in black, or black sails in white, and on sails of an intermediate shade in black or in white as may be decided by the authority superintending the marking, in accordance with Article V of the present Convention. || Steam fishing vessels shall, in addition, bear the above marks on the funnel in a plainly visible manner. These marks should be of the same dimensions as those on the bow. || The letter or letters and numbers on the sails shall be onethird larger in every way than those placed on the bows of the boat.

Article IX.

Fishing boats may not have, either on their outside, on their sails, or on their funnels, any names, letters, or numbers, other than those prescribed by Articles VI, VII, and VIII of the present Convention.

Article X.

The names, letters, and numbers placed on the boats and on their sails and funnels shall not be effaced, altered, made illegible, covered or concealed in any manner whatsoever.

Article XI.

All the small boats, buoys, principal floats, trawls, grapnels, anchors, and generally all fishing implements shall be marked with the letter or letters and numbers of the boats to which they belong. || These letters and numbers shall be large enough to be easily distinguished. The owners of the nets or other fishing implements may further distinguish them by any private marks they think proper.

Article XII.

The master of each boat must have with him an official document, issued by the proper authority in his own country, for the purpose of enabling him to establish the nationality of the boat. || This document must always give the letter or letters and number of the boat, as well as her description and the name or names of the owner or the name of the firm or association to which she belongs.

Article XIII.

The nationality of a boat must not be concealed in any manner whatsoever.

Article XIV.

No fishing boat shall anchor, between sunset and sunrise, on grounds where drift-net fishing is actually going on. || This prohibition shall not, however, apply to anchorings which may take place in consequence of accidents or of any other compulsory circumstances.

Article XV.

Boats arriving on the fishing grounds shall not either place themselves or shoot their nets in such a way as to injure each other, or as to interfere with fishermen who have already commenced their operations.

Article XVI.

Whenever, with a view of drift-net fishing, decked boats and undecked boats commence shooting their nets at the same time, the undecked boats shall shoot their nets to windward of the decked boats. || The decked boats, on their part, shall shoot their nets to leeward of the undecked boats. || As a rule, if decked boats shoot their nets to windward of undecked boats which have begun fishing, or if undecked boats shoot their nets to leeward of decked boats which have begun fishing, the responsibility as regards any damages to nets which may result shall rest with the boats which last began fishing, unless they can prove that they were under stress of compulsory circumstances, or that the damage was not caused by their fault.

Article XVII.

No net or any other fishing engine shall be set or anchored on grounds where drift-net fishing is actually going on.

Article XVIII.

No fisherman shall make fast or hold on his boat to the nets, buoys, floats, or any other parts of the fishing tackle of another fisherman.

Article XIX.

When trawl fishermen are in sight of net or of long line fishermen, they shall take all necessary steps in order to avoid doing injury to the latter. Where damage is caused the responsibility shall be on the trawlers, unless they can prove that they were under stress of compulsory circumstances, or that the loss sustained did not result from their fault.

Article XX.

When nets belonging to different fishermen get foul of each other, they shall not be cut without the consent of both parties. || All responsibility shall cease if the impossibility of disengaging the nets by any other means is proved.

Article XXI.

When a boat fishing with long lines entangles her lines in those of another boat, the person who hauls up the lines shall not cut them, except under stress of compulsory circumstances, in which case any line which may be cut shall be immediately joined together again.

Article XXII.

Except in case of salvage and the cases to which the two preceding Articles relate, no fisherman shall, under any pretext whatever, cut, hook, or lift up nets, lines, or other gear not belonging to him. || When a fisherman fouls or otherwise interferes with the fishing-gear of another fisherman, he shall take all necessary measures for reducing to a minimum the injuries which may result to the gear or to the boat of the other fisherman.

Article XXIII.

The use of any instrument or engine which serves only to cut or destroy nets is forbidden. || The presence of any such engine on board a boat is also forbidden. || The High Contracting Parties engage to take the necessary measures for preventing the embarkation of such engines on board fishing boats.

Article XXIV.

Fishing boats shall conform to the general rules respecting lights and sound signals, as well as those concerning steering and navigation,

which have been, or may be, adopted in respect of these boats by mutual arrangement between the High Contracting Parties with the view of preventing collisions at sea.

Article XXV.

All fishing boats, all their small boats, all rigging gear, or other appurtenances of fishingboats, all nets, lines, buoys, floats, or other fishing implements whatsoever found or picked up at sea, whether marked or unmarked, shall as soon as possible be delivered to the competent authority of the first port to which the salving boat returns or puts in. || Such authority shall inform the Consul or Consular Agent of the country to which the boat of the salvor belongs, and the nation of the owners of the articles found. They (the same authority) shall restore the articles to the owners thereof, or to their representatives, as soon as such articles are claimed and the interests of the salvors have been properly guaranteed. || The administrative or judicial authorities, according as the laws of the respective countries may provide, shall fix the amount which the owner shall pay to the salvors. It is, however, agreed that this provision shall not in any way prejudice such Conventions respecting this matter as are already in force, and that the High Contracting Parties reserve the right of regulating, by special arrangements between themselves, the amount of salvage at a fixed rate per net salved. || Fishing implements of any kind found unmarked shall be treated as wreck.

Article XXVI.

The superintendence of the fisheries shall be exercised by vessels belonging to the national navies of the High Contracting Parties. In the case of Denmark, such vessels may be vessels belonging to the State, commanded by Captains who hold commissions.

Article XXVII.

The execution of the Regulations respecting the documents establishing nationality, the marking and numbering of boats, &c., and of fishing implements, as well as the presence on board of instruments which are forbidden (Articles VI, VII, VIII, IX, X, XI, XII, XIII, and XXIII, para. 2), is placed under the exclusive superintendence of the cruisers of the nation of each fishing boat. Nevertheless, the Commanders of cruisers shall acquaint each other with any infractions of the above-mentioned Regulations committed by the fishermen of the other nation.

Article XXVIII.

The cruisers of the High Contracting Parties shall be competent to authenticate all infractions of the Regulations prescribed by the present Convention other than those referred to in Article XXVII, and all offences relating to fishing operations, whichever may be the nation to which the fishermen guilty of such infraction may belong.

Article XXIX.

When the Commanders of cruisers have reason to believe that an infraction of the provisions of the present Convention has been committed, they may require the master of the boat inculpated to exhibit the official document establishing her nationality. The fact of such document having been exhibited shall then be indorsed upon it immediately. The Commanders of cruisers shall not pursue further their visit or search on board a fishing boat which is not of their own nationality, unless it should be necessary for the purpose of obtaining proof of an offence or of a contravention of Regulations respecting the police of the fisheries.

Article XXX.

The Commanders of the cruisers of the High Contracting Parties shall exercise their judgment as to the gravity of facts brought to their knowledge, and of which they are empowered to take cognizance, and shall verify the damage, from whatever cause arising, which may be sustained by fishing boats of the nationalities of the High Contracting Parties. || They shall draw up, if there is occasion for it, a formal statement of the verification of the facts as elicited both from the declaration of the parties interested and from the testimony of those present. || The Commander of the cruiser may, if the case appears to him sufficiently serious to justify the step, take the offending boat into a port of the nation to which the fisherman belongs. || He may even take on board the cruiser a part of the crew of the fishing boat, in order to hand them over to the authorities of her nation.

Article XXXI.

The formal statement referred to in the preceding Article shall be drawn up in the language of the Commander of the cruiser, and according to the forms in use in his country. The accused and the witnesses shall be entitled to add, or to have added, to such statement, in their own language, any observations or evidence which they may think suitable. Such declarations must be duly signed.

Article XXXII.

Resistance to the direction of Commanders of cruisers charged with the police of the fisheries, or of those who act under their orders, shall, without taking into account the nationality of the cruiser, be considered as resistance to the authority of the nation of the fishing boat.

Article XXXIII.

When the act alleged is not of a serious character, but has, nevertheless, caused damage to any fisherman, the Commanders of cruisers shall be at liberty, should the parties concerned agree to it, to arbitrate at sea between them, and to fix the compensation to be paid. Where one of the parties is not in a position to settle the matter at once, the Commanders shall cause the parties concerned to sign in duplicate a formal document specifying the compensation to be paid. || One copy of this document shall remain on board the cruiser and the other shall be handed to the master of the boat to which the compensation is due, in order that he may, if necessary, be able to make use of it before the Courts of the country to which the debtor belongs. || Where, on the contrary, the parties do not consent to arbitration, the Commanders shall act in accordance with the provisions of Article XXX.

Article XXXIV.

The prosecution for offences against or contraventions of the present Convention shall be instituted by, or in the name of, the State.

Article XXXV.

The High Contracting Parties engage to propose to their respective Legislatures any measures which may be necessary for insuring the execution of the present Convention, and particularly for the punishment by either fine or imprisonment, or by both, of persons who may contravene the provisions of Articles VI to XXIII inclusive.

Article XXXVI.

In all cases of assault committed, or of wilful damage or loss inflicted, by fishermen of one of the contracting countries upon fishermen of the other nationality, the Courts of the country to which the boats of the offenders belong shall be empowered to try them. || The same rule shall apply with regard to offences against and contraventions of the present Convention.

Article XXXVII.

The proceedings and trial in cases of infraction of the provisions of the present Convention shall take place as summarily as the Laws and Regulations in force will permit.

Article XXXVIII.

The present Convention shall be ratified. The ratifications shall be exchanged in London as soon as possible.

Article XXXIX.

The present Convention shall come into operation from and after a day to be fixed upon by the two High Contracting Parties after it shall have been notified by the Danish Government that measures have been passed in respect of the Faröe Islands and Iceland, by which freedom of navigation and anchorage within the territorial waters of the said islands is accorded to British fishermen (*vide* Article II, para. 3). The Convention shall continue in force until the expiration of two years from notice by either party for its termination. || The High Contracting Parties, however, reserve to themselves the power to make, by mutual consent, any modification in the Convention which experience shall have shown to be desirable, provided it is not inconsistent with the principles upon which the Convention is based.

Additional Article.

Any other Government, the subjects of which carry on fishery in the ocean surrounding the Faröe Islands and Iceland, may adhere to the present Convention. The adhesion shall be notified to one of the Governments at Copenhagen or at London respectively. Such notification shall be communicated to the other Signatory Power. || In witness whereof the Plenipotentiaries have signed the present Convention, and have affixed thereto their seals.

Done at London, in two copies, June 24, 1901.

(L. S.) Lansdowne.

(L. S.) F. Bille.

Nr. 12761. TÜRKEI und RUMÄNIEN. — Handelsvertrag.

Konstantinopel, $\frac{\text{30. Juli}}{\text{12. August}}$ 1901.

Traité de commerce entre la Turquie et la Roumanie.

Sa Majesté Impériale le Sultan, Empereur des Ottomans, et Sa Majesté le roi de Roumanie, désireux d'établir par une convention spéciale sur de nouvelles bases les relations de commerce et de navigation entre leurs Etats respectifs, ont nommé pour leurs plénipotentiaires, savoir: || Sa Majesté Impériale le Sultan, Empereur des Ottomans, Tevfik pacha, Son ministre des affaires étrangères, décoré du grand cordon de l'Imtiaz en brillants, de l'ordre de l'Iftihar en brillants et des grands cordons de l'Osmanié et du Medjidié en brillants et de l'Etoile de Roumanie || et Sa Majesté le roi de Roumanie, le sieur Alexandre J. Ghika, son envoyé extraordinaire et ministre plénipotentiaire près Sa Majesté Impériale le Sultan, grand officier de l'Etoile de Roumanie, commandeur de la Couronne de Roumanie, décoré des grands cordons de l'Osmanié et du Medjidié, ainsi que des médailles de l'Imtiaz en or et en argent, || lesquels, après avoir échangé leurs pleins pouvoirs trouvés en bonne et due forme, sont convenus des articles suivants:

Article 1er. — Le gouvernement impérial ottoman déclare appliquer aux articles d'origine ou de manufacture roumaine les droits d'importation les plus réduits qui sont ou seront inscrits dans les conventions ou tarifs conventionnels de l'Empire ottoman avec toute autre puissance.

Article 2. — Le gouvernement royal de Roumanie déclare appliquer aux articles d'origine ou de manufacture ottomane énumérés dans le tableau ci-annexé les droits d'importation y inscrits et aussi faire bénéficier ces articles des droits les plus réduits qui seraient appliqués à l'égard des produits similaires d'un autre Etat. || Les produits d'origine ou de manufacture ottomane non inscrits dans le tableau ci-annexé, seront soumis en Roumanie aux taxes les plus réduites actuelles ou futures.

Article 3. — Les produits d'origine ou de manufacture ottomane qui seront importés en Roumanie et les produits d'origine ou de manufacture roumaine qui seront importés en Turquie, seront respectivement soumis, — quant aux droits d'exportation, de transit, quant à la réexportation, à l'entrepôt et aux formalités douanières, — au même traitement que les produits de la nation la plus favorisée, et ils ne seront soumis à aucun droit additionnel de douane ou d'octroi local ou de tout autre genre ou à des taxes accessoires nouvelles, autres que ceux qui existent actuelle-

ment ou dont seraient frappés à l'avenir les produits nationaux et ceux des nations les plus favorisées. || Est excepté de la disposition ci-dessus, le tabac produit dans l'Empire ottoman qui, lors de son exportation en Roumanie, restera assujetti à un droit d'exportation de quatre piastres par ocque, soit piastres trois cent-douze et demie par cent kilogrammes.

Article 4. — Pour établir que les produits sont d'origine ou de manufacture ottomane ou roumaine, l'importateur pourra être soumis à l'obligation de présenter à la douane du pays d'importation soit une déclaration officielle faite devant un magistrat siégeant au lieu de l'expédition, soit un certificat délivré par le chef du service de la douane du bureau d'exportation, soit un certificat délivré par les consuls ou agents consulaires du pays dans lequel l'importation doit être faite et qui résident dans les lieux d'expédition ou dans les ports d'embarquement.

Article 5. — Les deux hautes parties contractantes s'engagent à ne laisser embarquer dans leurs ports — sauf autorisation spéciale du pays d'importation — aucun article à destination de l'Empire ottoman ou du royaume de Roumanie qui serait prohibé ou monopolisé dans ce pays. || Ces articles sont, en Turquie: la poudre et les matières explosibles de toute sorte; les armes de guerre et leurs accessoires; les munitions militaires, le tabac sous toutes ses formes, le tombac et le sel. || En Roumanie: la poudre et les matières explosibles de toute sorte; les armes de guerre et leurs accessoires; les munitions militaires; le tabac sous toutes ses formes; le tombac, le sel, les allumettes, les cartes à jeu et le papier à cigarettes. || Les listes ci-dessus pourront être modifiées selon les circonstances, par communication préalable et écrite à l'autre partie.

Article 6. — Les navires ottomans et leurs cargaisons en Roumanie, et les navires roumains et leurs cargaisons dans les Etats de Sa Majesté Imperiale le Sultan jouiront, sous tous les rapports, du traitement de la nation la plus favorisée. || Néanmoins, les deux hautes parties contractantes se réservent et se reconnaissent réciproquement la liberté d'action en tout ce qui concerne les stipulations maritimes ou autres à établir dans la convention consulaire à conclure entre les deux Etats.

Art. 7. — La présente convention aura ses effets à partir du jour de l'échange des ratifications et restera en vigueur pendant cinq ans. || Cependant, après une période de dixhuit mois après la date de l'échange des ratifications, chacune des deux hautes parties contractantes aura toujours le droit de la dénoncer. Dans ce cas la convention cessera de produire ses effets une année à partir du jour où la dénonciation aura été notifiée à l'autre partie. || Les ratifications seront échangées à Constantinople le plus tôt que faire se pourra.

Tableau.

Marchandises	Droits d'entrée par 100 kilog. fr. c.
1° Poissons salés dits Laker à poissons séchés dits tziris	4 —
2° Sèches et cornets (murekkeb balighi, caracatitza) . . .	10 —
3° Maquereaux salés dits Scombria	4 —
4° Moules et autres coquillages	1 —
5° Huîtres fraîches	6 —
6° Sésame en graine	1 50
7° Salep	30 —
8° Racine saponnaire (Thoughen)	1 50
9° Fruits frais de toute sorte	7 50
10° Figues en chapelets et raisins secs noirs ordinaires dits Tireh	1 50
11° Figues en boîtes et en sacs et raisins secs dits: Razakis et Sultanines	4 —
12° Amandes en coque	8 —
13° Noisettes et abricots secs	7 —
14° Amandes sans coque, pistaches décortiquées ou non, pistaches de pin (Tchambéyaz)	12 —
15° Purée séchée d'abricots dite: (Pestill)	6 —
16° Dattes en caisses, en sacs de chanvre et en ballots d'osier dits: Zembils au dessus de 15 kilogrammes . .	10 —
17° Anis	5 —
18° Oranges, citrons, oranges amères, cédrats et grenades .	2 —
19° Olives salées ou en saumure en barils et en paniers .	1 50
20° Helva et rahat locoum	15 —
21° Tahin	6 —
22° Câpres salées ou en saumure en coques	10 —
23° Gomme mastic	30 —
24° Poivre rouge (paprika	10 —
25° Ecorces d'oranges, de citrons et d'oranges amères . . .	10 —
26° Henné	5 —
27° Colle végétale en poudre (tchirich)	10 —
28° Huile d'olives en barils et outres	5 —
29° Tapis d'Orient de laine pure, (chaîne coton ou en d'autres matières textiles) au mètre ou par pièce, ainsi que les tapis de Karamanie dits: djidjime et les heïbés . . .	60 —
30° Fez avec ou sans glands	400 —

31° Boîtes rondes en bois blanc ordinaire, telles que les boîtes servant au helva	exempt
32° Opium	300 —
33° Graisse de poisson	5 —

Déclaration roumaine.

A l'occasion de la signature de la convention, le gouvernement royal de Roumanie déclare s'engager à consolider le tarif général relativement aux articles suivants:

Marchandises.

	Droits par 100 kilog. fr. c.
1° Légumes verts	8 —
2° Légumes simplement séchés (bamias et aubergines)	10 —
3° Vallonnées et noix de galle	exempt.
4° Graines jaunes et autres matières tinctoriales	„
5° Cuivres, laiton. bronze brut sous toutes ses formes, ainsi que débris et déchets de ces métaux	„
6° Coton brut ou cardé, déchets de coton	6 —
7° Eponges de toute sorte	150 —
8° Sardines en coques et en saumure dites: palamides, hamsi, collaroudia, stavrida et sardeles	8 —
9° Pierre de granit pour pavage, construction, bordure et autres	0 40

Constantinople, le $\frac{\text{30 juillet}}{\text{12 août}}$ 1901.

(Signé) Alex. J. Ghika. (Signé) Tewfik.

Nr. 12762. VEREINIGTE STAATEN und DOMINIKANISCHE REPUBLIK. — Protokoll über Einsetzung eines Schiedsgerichts wegen Forderungen einer New-Yorker Gesellschaft an die Dominikanische Republik.

Santo Domingo City, January 31, 1903.

Protocol.

Whereas, differences exist between the Dominican Government and the „San Domingo Improvement Company" and its allied companies; and || Whereas, as the result of those differences, the interests of the Improvement Company and its allied companies, viz: „The San Domingo Finance Company of New York", „The Company of The Central Dominican

Railway", both being corporations created under the laws of New Jersey, and the National Bank of San Domingo, a company originally organized under a French charter, the two latter companies being owned and controlled by the San Domingo Finance Company, are seriously affected; and || Whereas, it is agreed, as the basis of the present settlement, that the Improvement Company and its allied Companies shall withdraw from the Dominican Republic, and that they shall be duly indemnified by the latter for the relinquishment of their rights, properties and interests. || The United States of America and the Dominican Republic through their respective representatives, W. F. Powell, Chargé d'Affaires, and Juan Fco. Sanchez, Secretary of State for Foreign Relations, have agreed upon the following articles:

I.

It being hereby agreed that the Dominican Government shall pay to the Government of the United States the sum of $ 4 500 000 (four millions five hundred thousand dollars,) in American gold, on terms to be fixed by the arbitrators, said payment to be made and accepted as full indemnity for the relinquishment by the companies abovementioned of all their rights, properties and interests, and in full settlement of all accounts, claims and differences between the Dominican Government and the said companies; the terms on which the indemnity thus agreed upon shall be paid shall be referred to a board of three arbitrators, one to be named by the President of the United States, one by the President of the Dominican Republic, and the third by the President of the United States and the President of the Dominican Republic jointly; but if, within sixty days after the signature of the present protocol, the third arbitrator shall not have been so named, he shall then be selected by the Dominican Government from members of the United States Supreme Court or the United States Circuit Court of Appeals, from names presented. || In case of the death, absence or incapacity of any arbitrator, or in the event of his ceasing or omitting to act, the vacancy shall be filled in the same manner as the original appointment, the period of sixty days to be calculated from the date of the happening of the vacancy.

II.

The arbitrators shall meet in the city of Washington, within sixty days after the date of the appointment of the third arbitrator. || The vote of the majority shall suffice for the decision of all questions submitted to the tribunal, including the final award.

III.

Within six months after the signature of this protocol, each party shall present to the other and to its agent, and also to each of the arbitrators, two printed copies of its case, accompanied with the documents and evidence on which it relies, together with the affidavits of their respective witnesses. || Within a further period of two months, either party may, in like manner, present a counter-case, with additional documents and evidence and affidavits, in reply to the case, documents and evidence of the other party. | If the other party shall, in its case or counter-case, refer to any document in its exclusive possession without annexing a copy, it shall, upon the request of the other party, furnish the latter with a copy; and either party may call upon the other through the arbitrators, to produce the originals or certified copies of any papers adduced as evidence.

IV.

Within two months after the expiration of the term allowed for the filing of counter-cases, each Government may, by its agent, as well as by additional counsel, argue its cause before the arbitrators, both orally and in writing. Each side shall furnish to the other copies of any written arguments, and each party shall be at liberty to make a written reply, provided that such reply be submitted within the two months specified.

V.

The Companies above mentioned shall cede and transfer to the Dominican Government, and the latter shall acquire from the Companies, the properties mentioned herein, the times, terms and conditions of the delivery of which shall be fixed by the arbitrators: || 1. All the rights and interests which they may possess in the section of the Central Dominican Railway already constructed, as well as all rights and interests which they may have in the extension of the railways from Santiago to Moca, and from Moca to San Francisco de Macoris. || 2. All rights and interests which they may have in the National Bank. || 3. All bonds of the Republic of which they may be the holders, the amount of which shall not exceed £ 850 000, nominal (eight hundred and fifty thousands sterling pounds), nominal and shall be no less than £ 825 000 (eight hundred and twenty five thousands sterling pounds nominal.) || It is understood that all these bonds are of the class bearing four per cent, annual interests excepting as to £ 24 000 (twenty four thousands sterling pounds) two and three-quarter per cent bonds, which shall be accepted at the rate of sixteen

$2^3/_4$ % bonds for eleven 4 % bonds. A list of the bonds shall accompany the case of the United States.

VI.

It is agreed, as the basis of the award to be made by the arbitrators, that the sum specified in Article I hereof shall be paid in monthly instalments, the amount and manner of collection of which shall be fixed by the tribunal. The award shall bear interest from the date of its rendition at the || The Dominican Government having, in its recent negotiations with the American Companies, proposed to pay, on account of its indebtedness to them, a minimum sum of $ 225 000 (two hundred and twenty five thousands dollars) per annum, which was to be increased on a sliding scale, it is agreed that the Dominican Government shall, pending the present arbitration, and beginning with the 1st of January 1903, pay to the Government of the United States for the use of the American Companies, the sum of $ 225 000 (two hundred and twenty five thousands dollars) per annum, in equal monthly instalments, the aggregate amount so paid, at the date of the award, to be taken into account by the arbitrators.

VII.

The award of the tribunal shall be rendered within a year from the date of the signature of the present protocol. It shall be in writing, and shall be final and conclusive.

VIII.

Reasonable compensation to the arbitrators for their services and all expenses incident to the arbitration, including the cost of such clerical aid as may be necessary, shall be paid by the Governments in equal moieties. || Done in quadruplicate, in English and Spanish, at San Domingo City, this 31st day of January 1903.

[Seal] Jno Fco Sánchez
Ministro de Relaciones Exteriores.
[Seal] W. F. Powell,
Chargé d'Affaires.

Agreement to the naming of arbitrators.

It is hereby agreed, on the part of the Dominican Government, through Juan Francisco Sanchez, Secretary of State for Foreign Relations, and the Chargé d'Affaires of the United States of North America, in the person of W. F. Powell, each acting for his respective Government, agree that neither of the signatory parties to this Protocol for International Arbitration, to which has been referred certain disagree-

ments existing between the Dominican Government on the one side, and the Santo Domingo Improvement Company on the other, shall name its Arbitrator as stated in said Protocol, until after a period of ninety (90) days from the date of signing the same, in order to allow the Dominican Government to come to an agreement with the Santo Domingo Improvement Company, and the date referred to in the appointment of the third Arbitrator shall bear same as that expressed above. || To the above we agree, and with good faith to carry the same into effect, have here-unto affixed our names and attached thereto the Seals of our respective Offices. || Done this 31st Day of January, 1903.

[Seal] Ino Fco Sánchez
Secretary of State for Foreign Relations
of the Republic of San Domingo.
[Seal] W. F. Powell,
Chargé d'Affaires of the United States
of North America.

Nr. 12763. **VEREINIGTE STAATEN und VENEZUELA.** — Protokoll über Einsetzung eines Schiedsgerichts für alle Ansprüche von Bürgern der Verein. Staaten gegen Venezuela.

Washington, February 17, 1903.

The United States of America and the Republic of Venezuela, through their representatives, John Hay, Secretary of State of the United States of America, and Herbert W. Bowen, the Plenipotentiary of the Republic of Venezuela, have agreed upon and signed the following protocol.

Article I.

All claims owned by citizens of the United States of America against the Republic of Venezuela which have not been settled by diplomatic agreement or by arbitration between the two Governments, and which shall have been presented to the commission hereinafter named by the Department of State of the United States or its Legation at Caracas, shall be examined and decided by a mixed commission, which shall sit at Caracas, and which shall consist of two members, one of whom is to be appointed by the President of the United States and the other by the President of Venezuela. || It is agreed that an umpire may be named by the Queen of the Netherlands. If either of said commissioners or the umpire should fail or cease to act, his successor shall be appointed forth-

with in the same manner as his predecessor. Said commissioners and umpire are to be appointed before the first day of May, 1903. || The commissioners and the umpire shall meet in the city of Caracas on the first day of June, 1903. The umpire shall preside over their deliberations, and shall be competent to decide any question on which the commissioners disagree. Before assuming the functions of their office the commissioners and the umpire shall take solemn oath carefully to examine and impartially decide, according to justice and the provisions of this convention, all claims submitted to them, and such oaths shall be entered on the record of their proceedings. The commissioners, or in case of their disagreement, the umpire, shall decide all claims upon a basis of absolute equity, without regard to objections of a technical nature, or of the provisions of local legislation. || The decisions of the commission, and in the event of their disagreement, those of the umpire, shall be final and conclusive. They shall be in writing. All awards shall be made payable in United States gold, or its equivalent in silver.

Article II.

The commissioners, or umpire, as the case may be, shall investigate and decide said claims upon such evidence or information only as shall be furnished by or on behalf of the respective Governments. They shall be bound to receive and consider all written documents or statements which may be presented to them by or on behalf of the respective Governments in support of or in answer to any claim, and to hear oral or written arguments made by the Agent of each Government on every claim. In case of their failure to agree in opinion upon any individual claim, the umpire shall decide. || Every claim shall be formally presented to the commissioners within thirty days from the day of their first meeting, unless the commissioners or the umpire in any case extend the period for presenting the claim not exceeding three months longer. The commissioners shall be bound to examine and decide upon every claim within six months from the day of its first formal presentation, and in case of their disagreement, the umpire shall examine and decide within a corresponding period from the date of such disagreement.

Article III.

The commissioners and the umpire shall keep an accurate record of their proceedings. For that purpose, each commissioner shall appoint a secretary versed in the language of both countries, to assist them in the transaction of the business of the commission. Except as herein stipu-

lated, all questions of procedure shall be left to the determination of the commission, or in case of their disagreement, to the umpire.

Article IV.

Reasonable compensation to the commissioners and to the umpire for their services and expenses, and the other expenses of said arbitration, are to be paid in equal moieties by the contracting parties.

Article V.

In order to pay the total amount of the claims to be adjudicated as aforesaid, and other claims of citizens or subjects of other nations, the Government of Venezuela shall set apart for this purpose, and alienate to no other purpose, beginning with the month of March, 1903, thirty per cent. in monthly payments of the customs revenues of La Guaira and Puerto Cabello, and the payments thus set aside shall be divided and distributed in conformity with the decision of the Hague Tribunal.

In case of the failure to carry out the above agreement, Belgian officials shall be placed in charge of the customs of the two ports, and shall administer them until the liabilities of the Venezuelan Government in respect to the above claims shall have been discharged. The reference of the question above stated to the Hague Tribunal will be the subject of a separate protocol.

Article VI.

All existing and unsatisfied awards in favor of citizens of the United States shall be promptly paid, according to the terms of the respective awards.

John Hay [Seal]
Herbert W. Bowen. [Seal]

Druck von Bär & Hermann in Leipzig.





